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## CHAPTER 338

[Senate Bill 5434]

## INSURERS—LICENSING OF GENERAL AGENTS

AN ACT Relating to the licensing of general agents; and amending RCW 48.05.310.

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

**Sec. 1.** RCW 48.05.310 and 1982 c 181 s 17 are each amended to read as follows:

(1) An insurer appointing any person as its general agent or manager to represent it as such in this state shall file notice of the appointment with the commissioner on forms prescribed and furnished by the commissioner.

(2) Any such general agent or manager shall have such authority, consistent with this code, as may be conferred by the insurer. A general agent resident in this state and licensed, as in this section provided, may exercise the powers conferred by this code upon agents licensed for the kinds of insurance which the general agent is authorized to transact for the insurer so appointing him.

(3) Any such general agent may accept applications for insurance from licensed agents who are not appointed by the insurer of such general agent where the risk involved is placed in a nonstandard or specialty market of an authorized insurer as defined by regulation of the commissioner. Such nonstandard or specialty business shall not be bound by any agent not appointed by the insurer. A general agent may supply such licensed, nonappointed agent with material to write nonstandard or specialty insurance business including, but not limited to, applications for insurance, underwriting criteria, and rates. A general agent shall not provide any licensed, nonappointed agent with indicia of authority to bind an insurance risk and the general agent and nonappointed agent shall provide written disclaimers of binding authority to an applicant or prospective insured in such form as prescribed by the commissioner.

(4) The appointment of a resident general agent shall not be effective unless the person so appointed is licensed as the general agent of such insurer by the commissioner upon application and payment of the fee therefor as provided in RCW 48.14.010.

(5) ~~(Every such license shall expire as at close of business on the thirty-first day of March next following the date of issue, and may be renewed for an additional year upon application and payment of the fee therefor)~~ A general agent's license and its renewal shall be in accordance with chapter 48.17 RCW as applicable to agents and brokers.

(6) The commissioner may deny, suspend, or revoke any such license for any cause specified in RCW 48.17.530 and in the manner provided in RCW 48.17.540.

Passed the Senate April 23, 1995.  
Passed the House April 22, 1995.  
Approved by the Governor May 11, 1995.  
Filed in Office of Secretary of State May 11, 1995.

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**CHAPTER 339**

[Senate Bill 5544]

**OCEAN RESOURCES MANAGEMENT—EXTENSION OF LIMITATION  
ON OIL AND GAS EXPLORATION**

AN ACT Relating to ocean resources; and amending RCW 43.143.010.

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

**Sec. 1.** RCW 43.143.010 and 1989 1st ex.s. c 2 s 9 are each amended to read as follows:

(1) The purpose of this chapter is to articulate policies and establish guidelines for the exercise of state and local management authority over Washington's coastal waters, seabed, and shorelines.

(2) There shall be no leasing of Washington's tidal or submerged lands extending from mean high tide seaward three miles along the Washington coast from Cape Flattery south to Cape Disappointment, nor in Grays Harbor, Willapa Bay, and the Columbia river downstream from the Longview bridge, for purposes of oil or gas exploration, development, or production until at least July 1, ~~((+995))~~ 2000. During the ~~((+995))~~ 2000 legislative session, the legislature shall determine whether the moratorium on leasing should be extended past July 1, ~~((+995))~~ 2000. This determination shall be based on the information available at that time, including the analysis described in RCW 43.143.040. If the legislature does not extend the moratorium on leasing, the moratorium will end on July 1, ~~((+995))~~ 2000. At any time that oil or gas leasing, exploration, and development are allowed to occur, these activities shall be required to meet or exceed the standards and criteria contained in RCW 43.143.030.

(3) When conflicts arise among uses and activities, priority shall be given to resource uses and activities that will not adversely impact renewable resources over uses which are likely to have an adverse impact on renewable resources.

(4) It is the policy of the state of Washington to actively encourage the conservation of liquid fossil fuels, and to explore available methods of encouraging such conservation.

(5) It is not currently the intent of the legislature to include recreational uses or currently existing commercial uses involving fishing or other renewable marine or ocean resources within the uses and activities which must meet the planning and review criteria set forth in RCW 43.143.030. It is not the intent of the legislature, however, to permanently exclude these uses from the requirements of RCW 43.143.030. If information becomes available which indicates that such uses should reasonably be covered by the requirements of RCW 43.143.030, the permitting government or agency may require compliance with

those requirements, and appeals of that decision shall be handled through the established appeals procedure for that permit or approval.

(6) The state shall participate in federal ocean and marine resource decisions to the fullest extent possible to ensure that the decisions are consistent with the state's policy concerning the use of those resources.

Passed the Senate April 23, 1995.

Passed the House April 12, 1995.

Approved by the Governor May 11, 1995.

Filed in Office of Secretary of State May 11, 1995.

## CHAPTER 340

[Substitute Senate Bill 5551]

### LODGING TAX—EASTERN WASHINGTON CITIES AND COUNTIES

AN ACT Relating to the excise taxation of lodging; and adding a new section to chapter 67.28 RCW.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 67.28 RCW to read as follows:

(1) The legislative body of any city meeting the criteria in subsection (2) or (3) of this section may impose a special excise tax on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, not to exceed the rate specified in the subsection. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2)(a) In a county east of the crest of the Cascade mountains with a population of at least fifty-five thousand but less than sixty-two thousand:

(i) A city with a population of at least three thousand but less than four thousand may impose a tax under this section not to exceed three percent.

(ii) A city with a population of at least one thousand eight hundred but less than two thousand five hundred may impose a tax under this section not to exceed three percent.

(b) All taxes levied and collected under this subsection (2) shall be credited to a special fund in the treasury of the city collecting the tax. Such taxes shall only be used for tourism promotion.

(3)(a) In a county east of the crest of the Cascade mountains with a population of at least fifty-five thousand but less than sixty-two thousand, a city with a population of at least twenty-two thousand but less than twenty-eight thousand may impose a tax under this section not to exceed two percent.

(b) In a county east of the crest of the Cascade mountains with a population of at least twenty-eight thousand but less than thirty-three thousand, a city with a population of at least three thousand but less than six thousand may impose a tax under this section not to exceed two percent.

(c) All taxes levied and collected under this subsection (3) shall be credited to a special fund in the treasury of the city collecting the tax. Such taxes shall only be used for tourism promotion, and for the design, expansion, and construction of public facilities related to tourism promotion.

(4) The taxes authorized in this section are in addition to any other taxes authorized by law.

(5) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to the taxes imposed under this section.

Passed the Senate April 23, 1995.

Passed the House April 11, 1995.

Approved by the Governor May 11, 1995.

Filed in Office of Secretary of State May 11, 1995.

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**CHAPTER 341**

[Engrossed Substitute Senate Bill 5597]

**COSTS FOR COPYING PUBLIC RECORDS**

AN ACT Relating to the costs of copying public records; amending RCW 42.17.260 and 42.17.300; and adding a new section to chapter 42.17 RCW.

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

**Sec. 1.** RCW 42.17.260 and 1992 c 139 s 3 are each amended to read as follows:

(1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (6) of this section, RCW 42.17.310, 42.17.315, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.17.310 and 42.17.315, an agency shall delete identifying details in a manner consistent with RCW 42.17.310 and 42.17.315 when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) For informational purposes, each agency shall publish and maintain a current list containing every law, other than those listed in this chapter, that the agency believes exempts or prohibits disclosure of specific information or records of the agency. An agency's failure to list an exemption shall not affect the efficacy of any exemption.

(3) Each local agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after January 1, 1973:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(4) A local agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

(5) Each state agency shall, by rule, establish and implement a system of indexing for the identification and location of the following records:

(a) All records issued before July 1, 1990, for which the agency has maintained an index;

(b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(d) Interpretive statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990; and

(e) Policy statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990.

Rules establishing systems of indexing shall include, but not be limited to, requirements for the form and content of the index, its location and availability to the public, and the schedule for revising or updating the index. State agencies that have maintained indexes for records issued before July 1, 1990, shall

continue to make such indexes available for public inspection and copying. Information in such indexes may be incorporated into indexes prepared pursuant to this subsection. State agencies may satisfy the requirements of this subsection by making available to the public indexes prepared by other parties but actually used by the agency in its operations. State agencies shall make indexes available for public inspection and copying. State agencies may charge a fee to cover the actual costs of providing individual mailed copies of indexes.

(6) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if—

(a) It has been indexed in an index available to the public; or

(b) Parties affected have timely notice (actual or constructive) of the terms thereof.

(7) Each agency shall establish, maintain, and make available for public inspection and copying a statement of the actual per page cost or other costs, if any, that it charges for providing photocopies of public records and a statement of the factors and manner used to determine the actual per page cost or other costs, if any.

(a) In determining the actual per page cost for providing photocopies of public records, an agency may include all costs directly incident to copying such public records including the actual cost of the paper and the per page cost for use of agency copying equipment. In determining other actual costs for providing photocopies of public records, an agency may include all costs directly incident to shipping such public records, including the cost of postage or delivery charges and the cost of any container or envelope used.

(b) In determining the actual per page cost or other costs for providing copies of public records, an agency may not include staff salaries, benefits, or other general administrative or overhead charges, unless those costs are directly related to the actual cost of copying the public records. Staff time to copy and mail the requested public records may be included in an agency's costs.

(8) An agency need not calculate the actual per page cost or other costs it charges for providing photocopies of public records if to do so would be unduly burdensome, but in that event: The agency may not charge in excess of fifteen cents per page for photocopies of public records or for the use of agency equipment to photocopy public records and the actual postage or delivery charge and the cost of any container or envelope used to mail the public records to the requestor.

(9) This chapter shall not be construed as giving authority to any agency to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies shall not do so unless specifically authorized or directed by law: PROVIDED, HOWEVER, That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor:



PROVIDED FURTHER, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.05 RCW, the Administrative Procedure Act.

**Sec. 2.** RCW 42.17.300 and 1973 c 1 s 30 are each amended to read as follows:

No fee shall be charged for the inspection of public records. No fee shall be charged for locating public documents and making them available for copying. Agencies may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records, which charges shall not exceed the amount necessary to reimburse the agency for its actual costs directly incident to such copying. Agency charges for photocopies shall be imposed in accordance with the actual per page cost or other costs established and published by the agency. In no event may an agency charge a per page cost greater than the actual per page cost as established and published by the agency. To the extent the agency has not determined the actual per page cost for photocopies of public records, the agency may not charge in excess of fifteen cents per page.

**NEW SECTION. Sec. 3.** A new section is added to chapter 42.17 RCW under the subchapter heading "public records" to read as follows:

The provisions of RCW 42.17.260 (7) and (8) and 42.17.300 that establish or allow agencies to establish the costs charged for photocopies of public records do not supersede other statutory provisions, other than in this chapter, authorizing or governing fees for copying public records.

Passed the Senate April 21, 1995.

Passed the House April 7, 1995.

Approved by the Governor May 11, 1995.

Filed in Office of Secretary of State May 11, 1995.

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## CHAPTER 342

[Substitute Senate Bill 5606]

### RECLAIMED WATER USE

AN ACT Relating to water conservation and the reclamation and direct beneficial use of wastewater; amending RCW 90.46.005, 90.46.010, and 90.46.050; adding new sections to chapter 90.46 RCW; creating a new section; and declaring an emergency.

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

**Sec. 1.** RCW 90.46.005 and 1992 c 204 s 1 are each amended to read as follows:

The legislature finds that by encouraging the use of reclaimed water while assuring the health and safety of all Washington citizens and the protection of its environment, the state of Washington will continue to use water in the best interests of present and future generations.

To facilitate the ~~((opportunity to))~~ use of reclaimed water as soon as is practicable, the legislature encourages the cooperative efforts of the public and private sectors and the use of pilot projects to effectuate the goals of this chapter. The legislature further directs the department of health and the department of ecology to coordinate efforts towards developing an efficient and streamlined process for creating and implementing processes for the use of reclaimed water.

It is hereby declared that the people of the state of Washington have a primary interest in the development of facilities to provide reclaimed water to replace potable water in nonpotable applications, to supplement existing surface and ground water supplies, and to assist in meeting the future water requirements of the state.

The legislature further finds and declares that the utilization of reclaimed water by local communities for domestic, agricultural, industrial, recreational, and fish and wildlife habitat creation and enhancement purposes, including wetland enhancement, will contribute to the peace, health, safety, and welfare of the people of the state of Washington. To the extent reclaimed water is appropriate for beneficial uses, it should be so used to preserve potable water for drinking purposes. Use of reclaimed water constitutes the development of new basic water supplies needed for future generations.

The legislature further finds and declares that the use of reclaimed water is not inconsistent with the policy of antidegradation of state waters announced in other state statutes, including the water pollution control act, chapter 90.48 RCW and the water resources act, chapter 90.54 RCW.

The legislature finds that other states, including California, Florida, and Arizona, have successfully used reclaimed water to supplement existing water supplies without threatening existing resources or public health.

It is the intent of the legislature that the department of ecology and the department of health undertake the necessary steps to encourage the development of water reclamation facilities so that reclaimed water may be made available to help meet the growing water requirements of the state.

The legislature further finds and declares that reclaimed water facilities are water pollution control facilities as defined in chapter 70.146 RCW and are eligible for financial assistance as provided in chapter 70.146 RCW.

Sec. 2. RCW 90.46.010 and 1992 c 204 s 2 are each amended to read as follows:

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

(1) "Greywater" means ~~((sewage))~~ wastewater having the consistency and strength of residential domestic type wastewater. Greywater includes wastewater from sinks, showers, and laundry fixtures, but does not include toilet or urinal waters.

(2) "Land application" means application of treated effluent for purposes of irrigation or landscape enhancement for residential, business, and governmental purposes.

(3) "Person" means any state, individual, public or private corporation, political subdivision, governmental subdivision, governmental agency, municipality, copartnership, association, firm, trust estate, or any other legal entity whatever.

(4) "Reclaimed water" means effluent derived in any part from sewage from a wastewater treatment system that has been adequately and reliably treated, so that as a result of that treatment, it is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is no longer considered wastewater.

(5) "Sewage" means water-carried human wastes, including kitchen, bath, and laundry waste from residences, buildings, industrial and commercial establishments, or other places, together with such ground water infiltration, surface waters, or industrial wastewater as may be present.

(6) "User" means any person who uses reclaimed water.

(7) "Wastewater" means water and wastes discharged from homes, businesses, and industry to the sewer system.

(8) "Direct beneficial use" means the use of reclaimed water, that has been transported from the point of production to the point of use without an intervening discharge to the waters of the state, for a beneficial purpose.

(9) "Direct recharge" means the controlled subsurface addition of water directly to the ground water basin that results in the replenishment of ground water.

(10) "Ground water recharge criteria" means the contaminant criteria found in the drinking water quality standards adopted by the state board of health pursuant to chapter 43.20 RCW and the department of health pursuant to chapter 70.119A RCW.

(11) "Planned ground water recharge project" means any reclaimed water project designed for the purpose of recharging ground water, via direct recharge or surface spreading.

(12) "Reclamation criteria" means the criteria set forth in the water reclamation and reuse interim standards and subsequent revisions adopted by the department of ecology and the department of health.

(13) "Streamflow augmentation" means the discharge of reclaimed water to rivers and streams of the state or other surface water bodies, but not wetlands.

(14) "Surface spreading" means the controlled application of water to the ground surface for the purpose of replenishing ground water.

(15) "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 to life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(16) "Created wetlands" means a wetland intentionally created from a nonwetland site to produce or replace natural habitat.

**NEW SECTION.** Sec. 3. A new section is added to chapter 90.46 RCW to read as follows:

(1) Reclaimed water may be beneficially used for surface spreading provided the reclaimed water meets the ground water recharge criteria as measured in ground water beneath or down gradient of the recharge project site, and has been incorporated into a sewer or water comprehensive plan, as applicable, adopted by the applicable local government and approved by the department of health or department of ecology as applicable.

(2) If the state ground water recharge criteria as defined by RCW 90.46.010 do not contain a standard for a constituent or contaminant, the department of ecology shall establish a discharge limit consistent with the goals of this chapter.

**NEW SECTION.** Sec. 4. A new section is added to chapter 90.46 RCW to read as follows:

(1) Reclaimed water may be beneficially used for discharge into created wetlands provided the reclaimed water meets the class A reclaimed water standard as defined in the reclamation criteria, and the discharge is incorporated into a sewer or water comprehensive plan, as applicable, adopted by the applicable local government and approved by the department of health or department of ecology as applicable.

(2) Reclaimed water that does not meet the class A reclaimed water standard may be beneficially used for discharge into created wetlands where the department of ecology has specifically authorized such use at such lower standard in conjunction with a pilot project designated pursuant to this chapter, the purpose of which is to test and implement the use of created wetlands for advanced treatment.

**NEW SECTION.** Sec. 5. A new section is added to chapter 90.46 RCW to read as follows:

Reclaimed water intended for beneficial reuse may be discharged for streamflow augmentation provided the reclaimed water meets the requirements of the federal water pollution control act, chapter 90.48 RCW, and is incorporated into a sewer or water comprehensive plan, as applicable, adopted by the applicable local government and approved by the department of health or department of ecology as applicable.

**NEW SECTION.** Sec. 6. A new section is added to chapter 90.46 RCW to read as follows:

The department of ecology shall, in consultation with the department of health, adopt a single set of standards, procedures, and guidelines, on or before December 31, 1996, for direct recharge using reclaimed water. The standards shall address both water quality considerations and avoidance of property damage from excessive recharge.

**NEW SECTION.** Sec. 7. A new section is added to chapter 90.46 RCW to read as follows:

The department of ecology shall, in consultation with the department of health, adopt a single set of standards, procedures, and guidelines, on or before June 30, 1996, for discharge of reclaimed water to wetlands.

NEW SECTION. **Sec. 8.** A new section is added to chapter 90.46 RCW to read as follows:

On or before December 31, 1995, the department of ecology and department of health shall, in consultation with local interested parties, jointly review and, if required, propose amendments to chapter 372-32 WAC to resolve conflicts between the development of reclaimed water projects in the Puget Sound region and chapter 372-32 RCW.

**Sec. 9.** RCW 90.46.050 and 1992 c 204 s 6 are each amended to read as follows:

~~((1))~~ The department of health shall, before ~~((May 1, 1992))~~ July 1, 1995, form an advisory committee, in coordination with the department of ecology and the department of agriculture, which will provide technical assistance in the development of standards, procedures, and guidelines required by this chapter. Such committee shall be composed of individuals from the public water and wastewater utilities, landscaping enhancement industry, commercial and industrial application community, and any other persons deemed technically helpful by the department of health.

~~((2) The department of health shall report to the joint select committee on water resource policy by December 1, 1992, on the fee structure which has been recommended under RCW 90.46.030(3) and review fees authorized under RCW 90.46.040(3).))~~

NEW SECTION. **Sec. 10.** 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. 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 10, 1995.

Passed the House April 23, 1995.

Approved by the Governor May 11, 1995.

Filed in Office of Secretary of State May 11, 1995.

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## CHAPTER 343

[Senate Bill 5677]

## BUILDING CODE AND STRUCTURE REQUIREMENTS CLARIFIED

AN ACT Relating to clarification of building code and structure requirements; amending RCW 19.27A.080, 70.92.110, 70.92.120, 70.92.130, 70.92.150, and 70.92.160; reenacting and amending RCW 19.27.031; and repealing RCW 70.89.005, 70.89.010, 70.89.021, 70.89.031, 70.89.040, 70.89.050, 70.89.060, 70.89.070, 70.89.900, and 70.89.910.

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

**Sec. 1.** RCW 19.27.031 and 1989 c 348 s 9 and 1989 c 266 s 1 are each reenacted and amended to read as follows:

Except as otherwise provided in this chapter, there shall be in effect in all counties and cities the state building code which shall consist of the following codes which are hereby adopted by reference:

(1) Uniform Building Code and Uniform Building Code Standards, published by the International Conference of Building Officials;

(2) Uniform Mechanical Code, including Chapter ~~((22))~~ 13, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials;

(3) The Uniform Fire Code and Uniform Fire Code Standards, published by the International ~~((Conference of Building Officials and the Western Fire Chiefs Association))~~ Fire Code Institute: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;

(4) Except as provided in RCW 19.27.150, the Uniform Plumbing Code and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That chapters 11 and 12 of such code are not adopted; and

(5) The rules and regulations adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons as provided in RCW 70.92.100 through 70.92.160.

In case of conflict among the codes enumerated in subsections (1), (2), (3), and (4) of this section, the first named code shall govern over those following.

The codes enumerated in this section shall be adopted by the council as provided in RCW 19.27.074.

The council may issue opinions relating to the codes at the request of a local ~~((building))~~ official charged with the duty to enforce the enumerated codes.

**Sec. 2.** RCW 19.27A.080 and 1985 c 360 s 15 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 19.27A.080 through 19.27A.120.

(1) "Portable oil-fueled heater" means any nonflue-connected, self-contained, self-supporting, oil-fueled, heating appliance equipped with an integral reservoir, designed to be carried from one location to another.

(2) "Oil" means any liquid fuel with a flash point of greater than one hundred degrees Fahrenheit, including but not limited to kerosene.

(3) "Listed" means any portable oil-fueled heater which has been evaluated in accordance with the Underwriters Laboratories, Inc. standard for portable oil-fueled heaters or an equivalent standard and with respect to reasonably foreseeable hazards to life and property by a nationally recognized testing or inspection agency, such as Underwriters Laboratories, Inc., and which has been authorized as being reasonably safe for its specific purpose and shown in a list published by such agency and/or bears the mark, name, and/or symbol of such agency as indication that it has been so authorized. Such evaluation shall include but not be limited to evaluation of the requirements hereinafter set forth.

(4) "Approved" means any listed portable oil-fueled heater which is deemed approved if it satisfies the requirements set forth herein or adopted under RCW 19.27A.080 through 19.27A.120 and if the supplier certifies to the authority having jurisdiction over the sale and use of the heater that it is listed and in compliance with RCW 19.27A.080 through 19.27A.120.

(5) "Structure" means any building or completed construction of any kind included in state building code groups M, R-1, R-3, ~~((B-4 and B-2))~~ B, F, S-1, S-2, and U occupancies, except sleeping rooms and bathrooms: PROVIDED, HOWEVER, That in ~~((B-2))~~ B, M, and S-1 occupancies, approved portable oil-fueled heaters shall only be used under permit of the fire chief.

(6) "Supplier" means any party offering to sell to retailers or to the general public approved portable oil-fueled heaters.

**Sec. 3.** RCW 70.92.110 and 1989 c 14 s 9 are each amended to read as follows:

The standards and specifications adopted under this chapter shall, as provided in this section, apply to buildings, structures, or portions thereof used primarily for group A-1 through group ~~((R-1))~~ U-1 occupancies, except for group ~~((M))~~ R-3 occupancies, as defined in the Uniform Building Code, ~~((1988))~~ 1994 edition, published by the International Conference of Building Officials. All such buildings, structures, or portions thereof, which are constructed, substantially remodeled, or substantially rehabilitated after July 1, 1976, shall conform to the standards and specifications adopted under this chapter: PROVIDED, That the following buildings, structures, or portions thereof shall be exempt from this chapter:

(1) Buildings, structures, or portions thereof for which construction contracts have been awarded prior to July 1, 1976;

(2) Any building, structure, or portion thereof in respect to which the administrative authority deems, after considering all circumstances applying thereto, that full compliance is impracticable: PROVIDED, That, such a determination shall be made no later than at the time of issuance of the building permit for the construction, remodeling, or rehabilitation: PROVIDED FURTHER, That the board of appeals provided for in ~~((section 204))~~ chapter 1 of the Uniform Building Code shall have jurisdiction to hear and decide appeals

from any decision by the administrative authority regarding a waiver or failure to grant a waiver from compliance with the standards adopted pursuant to RCW 70.92.100 through 70.92.160. The provisions of the Uniform Building Code regarding the appeals process shall govern the appeals herein;

(3) Any building or structure used solely for dwelling purposes and which contains not more than two dwelling units;

(4) Any building or structure not used primarily for group A-1 through group ~~((R-1))~~ U-1 occupancies, except for group ~~((M))~~ R-3 occupancies, as set forth in the Uniform Building Code, ~~((1988))~~ 1994 edition, published by the International Conference of Building Officials; or

(5) Apartment houses with ten or fewer units.

**Sec. 4.** RCW 70.92.120 and 1975 1st ex.s. c 110 s 3 are each amended to read as follows:

All buildings built in accordance with the standards and specifications provided for in this chapter, and containing facilities that are in compliance therewith, shall display the following symbol which is known as the International Symbol of Access.



Such symbol shall be white on a blue background and shall indicate the location of facilities designed for the physically disabled or elderly. When a building contains an entrance other than the main entrance which is ramped or level for use by physically disabled or elderly persons, a sign with the symbol showing its location shall be posted at or near the main entrance which shall be visible from the adjacent public sidewalk or way.

**Sec. 5.** RCW 70.92.130 and 1975 1st ex.s. c 110 s 4 are each amended to read as follows:



As used in this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Administrative authority" means the building department of each county, city, or town of this state;

(2) "Substantially remodeled or substantially rehabilitated" means any alteration or restoration of a building or structure within any twelve-month period, the cost of which exceeds sixty percent of the (~~currently appraised~~) value of the particular building or structure;

(3) "Council" means the state building code (~~advisory~~) council.

**Sec. 6.** RCW 70.92.150 and 1975 1st ex.s. c 110 s 6 are each amended to read as follows:

The council in adopting these minimum standards shall consider minimum standards adopted by both law and rule and regulation in other states and the government of the United States; PROVIDED, That no standards adopted by the council pursuant to RCW 70.92.100 through 70.92.160 shall take effect until July 1, 1976. The council shall adopt such standards by majority vote pursuant to the provisions of chapter 34.05 RCW.

**Sec. 7.** RCW 70.92.160 and 1975 1st ex.s. c 110 s 7 are each amended to read as follows:

The administrative authority of any jurisdiction may grant a waiver from compliance with any standard adopted hereunder for a particular building or structure if it determines that compliance with the particular standard is impractical: PROVIDED, That such a determination shall be made no later than at the time of issuance of the building permit for the construction, remodeling, or rehabilitation: PROVIDED FURTHER, That the board of appeals provided for in (~~section 204~~) chapter 1 of the Uniform Building Code shall have jurisdiction to hear and decide appeals from any decision by the administrative authority regarding a waiver or failure to grant a waiver from compliance with the standards adopted pursuant to RCW 70.92.100 through 70.92.160. The provisions of the Uniform Building Code regarding the appeals process shall govern the appeals herein.

**NEW SECTION.** **Sec. 8.** The following acts or parts of acts are each repealed:

- (1) RCW 70.89.005 and 1973 1st ex.s. c 2 s 1;
- (2) RCW 70.89.010 and 1973 1st ex.s. c 2 s 2 & 1963 c 128 s 1;
- (3) RCW 70.89.021 and 1973 1st ex.s. c 2 s 3;
- (4) RCW 70.89.031 and 1973 1st ex.s. c 2 s 4;
- (5) RCW 70.89.040 and 1973 1st ex.s. c 2 s 8 & 1963 c 128 s 4;
- (6) RCW 70.89.050 and 1989 c 12 s 19 & 1973 1st ex.s. c 2 s 5;
- (7) RCW 70.89.060 and 1973 1st ex.s. c 2 s 6;
- (8) RCW 70.89.070 and 1973 1st ex.s. c 2 s 7;
- (9) RCW 70.89.900 and 1963 c 128 s 5; and
- (10) RCW 70.89.910 and 1973 1st ex.s. c 2 s 10.

Passed the Senate April 22, 1995.  
Passed the House April 5, 1995.  
Approved by the Governor May 11, 1995.  
Filed in Office of Secretary of State May 11, 1995.

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**CHAPTER 344**

[Senate Bill 5931]

**PARITY BETWEEN STATE AND FEDERALLY CHARTERED  
FINANCIAL INSTITUTIONS**

AN ACT Relating to state-chartered financial institutions parity with federally chartered financial institutions; amending RCW 30.04.111 and 30.08.180; and reenacting and amending RCW 30.04.215 and 30.08.190.

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

**Sec. 1.** RCW 30.04.111 and 1994 c 92 s 12 are each amended to read as follows:

The total loans and extensions of credit by a bank or trust company to a person outstanding at any one time shall not exceed twenty percent of the capital and surplus of such bank or trust company. The following loans and extensions of credit shall not be subject to this limitation:

(1) Loans or extensions of credit arising from the discount of commercial or business paper evidencing an obligation to the person negotiating it with recourse;

(2) Loans or extensions of credit secured by bonds, notes, certificates of indebtedness, or treasury bills of the United States or by other such obligations wholly guaranteed as to principal and interest by the United States;

(3) Loans or extensions of credit to or secured by unconditional takeout commitments or guarantees of any department, agency, bureau, board, commission, or establishment of the United States or any corporation wholly owned directly or indirectly by the United States;

(4) Loans or extensions of credit fully secured by a segregated deposit account or accounts in the lending bank;

(5) Loans or extensions of credit secured by collateral having a readily ascertained market value of at least one hundred fifteen percent of the outstanding amount of the loan or extension of credit;

(6) Loans or extensions of credit secured by bills of lading, warehouse receipts, or similar documents transferring or securing title to readily marketable staples shall be subject to a limitation of thirty-five percent of capital and surplus in addition to the general limitations, if the market value of the staples securing each additional loan or extension of credit at all times equals or exceeds one hundred fifteen percent of the outstanding amount of the loan or extension of credit. The staples shall be fully covered by insurance whenever it is customary to insure the staples;

(7) The purchase of bankers' acceptances of the kind described in section 13 of the federal reserve act and issued by other banks shall not be subject to any limitation based on capital and surplus;

(8) The unpaid purchase price of a sale of bank property, if secured by such property.

For the purposes of this section "capital" shall include the amount of common stock outstanding and unimpaired, the amount of preferred stock outstanding and unimpaired, and capital notes or debentures issued pursuant to chapter 30.36 RCW.

For the purposes of this section "surplus" shall include capital surplus, reflecting the amounts paid in excess of the par or stated value of capital stock, or amounts contributed to the bank other than for capital stock, and (~~amounts transferred to surplus from~~) undivided profits (~~pursuant to resolution of the board of directors~~).

The term "person" shall include an individual, sole proprietor, partnership, joint venture, association, trust, estate, business trust, corporation, sovereign government or agency, instrumentality, or political subdivision thereof, or any similar entity or organization.

The director may prescribe rules to administer and carry out the purposes of this section, including without limitation rules to define or further define terms used in this section and to establish limits or requirements other than those specified in this section for particular classes or categories of loans or extensions of credit, and to determine when a loan putatively made to a person shall, for purposes of this section, be attributed to another person. In adopting the rules, the director shall be guided by rulings of the comptroller of the currency that govern lending limits applicable to national commercial banks.

Sec. 2. RCW 30.04.215 and 1994 c 256 s 37 and 1994 c 92 s 20 are each reenacted to read as follows:

(1) Notwithstanding any other provisions of law, in addition to all powers enumerated by this title, and those necessarily implied therefrom, a bank may engage in other business activities that have been determined by the board of governors of the federal reserve system or by the United States Congress to be closely related to the business of banking, as of December 31, 1993.

(2) A bank that desires to perform an activity that is not expressly authorized by subsection (1) of this section shall first apply to the director for authorization to conduct such activity. Within thirty days of the receipt of this application, the director shall determine whether the activity is closely related to the business of banking, whether the public convenience and advantage will be promoted, whether the activity is apt to create an unsafe or unsound practice by the bank and whether the applicant is capable of performing such an activity. If the director finds the activity to be closely related to the business of banking and the bank is otherwise qualified, he or she shall forthwith inform the applicant that the activity is authorized. If the director determines that such activity is not closely related to the business of banking or the bank is not otherwise qualified,

he or she shall forthwith inform the applicant in writing. The applicant shall have the right to appeal from an unfavorable determination in accordance with the procedures of the Administrative Procedure Act, chapter 34.05 RCW. In determining whether a particular activity is closely related to the business of banking, the director shall be guided by the rulings of the board of governors of the federal reserve system and the comptroller of the currency in making determinations in connection with the powers exercisable by bank holding companies, and the activities performed by other commercial banks or their holding companies.

(3) ~~((In addition to all powers enumerated by this title, and those necessarily implied therefrom, a bank may engage in other business activities that are determined by the director, by rule adopted pursuant to chapter 34.05 RCW, to be closely related to the business of banking, or necessary or convenient thereto, and the exercise thereof will promote the public convenience and advantage. Provided, however, that such other business activities shall also have been determined by the board of governors of the federal reserve system or by the United States congress to be closely related to the business of banking.))~~ Notwithstanding any restrictions, limitations, and requirements of law, in addition to all powers, express or implied, that a bank has under the laws of this state, a bank shall have the powers and authorities conferred as of August 31, 1994, upon federally chartered bank doing business in this state. A bank may exercise the powers and authorities conferred on a federally chartered bank after this date, only if the director finds that the exercise of such powers and authorities:

(a) Serves the convenience and advantage of depositors, borrowers, or the general public; and

(b) Maintains the fairness of competition and parity between state-chartered banks and federally chartered banks.

As used in this section, "powers and authorities" include without limitation powers and authorities in corporate governance and operational matters.

The restrictions, limitations, and requirements applicable to specific powers or authorities of federally chartered banks shall apply to banks exercising those powers or authorities permitted under this subsection but only insofar as the restrictions, limitations, and requirements relate to exercising the powers or authorities granted banks solely under this subsection.

(4) Any activity which may be performed by a bank, except the taking of deposits, may be performed by (a) a corporation or (b) another entity approved by the director, which in either case is owned in whole or in part by the bank.

Sec. 3. RCW 30.08.180 and 1994 c 92 s 60 are each amended to read as follows:

Every bank and trust company shall make at least three regular reports each year to the director, as of the dates which he or she shall designate, according to form prescribed by him or her, verified by the president, manager or cashier and attested by at least two directors, which shall exhibit under appropriate heads the resources and liabilities of such corporation. The dates designated by the

director shall be the dates designated by the comptroller of the currency of the United States for reports of national banking associations. ~~((Each such report in condensed form, to be prescribed by the director, shall be published once in a newspaper of general circulation, published in a place where the corporation is located, or if there be no newspaper published in such place, then in some newspaper published in the same county.))~~

Every such corporation shall also make such special reports as the director shall call for.

Sec. 4. RCW 30.08.190 and 1994 c 256 s 51 and 1994 c 92 s 61 are each reenacted and amended to read as follows:

(1) Every regular report shall be filed with the director within thirty days from the date of issuance of the notice. Every special report shall be filed with the director within such time as shall be specified by him or her in the notice therefor.

(2) The director shall provide a copy of any regular report free of charge to any person that submits a written request for the report.

(3) Every bank and trust company which fails to file any report, required to be filed under subsection (1) of this section and within the time specified, shall be subject to a penalty of fifty dollars per day for each day's delay. A civil action for the recovery of any such penalty may be brought by the attorney general in the name of the state.

Passed the Senate April 19, 1995.

Passed the House April 4, 1995.

Approved by the Governor May 11, 1995.

Filed in Office of Secretary of State May 11, 1995.

## CHAPTER 345

[Substitute Senate Bill 5119]

### COST-OF-LIVING ALLOWANCES—STATE RETIREMENT SYSTEMS

AN ACT Relating to cost-of-living allowances for retirement purposes; reenacting and amending RCW 41.32.010 and 41.40.010; adding new sections to chapter 41.32 RCW; adding new sections to chapter 41.40 RCW; creating new sections; decodifying RCW 41.32.488; repealing RCW 41.32.487, 41.32.4871, 41.32.499, 41.32.575, 41.40.195, 41.40.198, 41.40.1981, 41.40.1983, and 41.40.325; and declaring an emergency.

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

NEW SECTION. Sec. 1. The intent of this act is to:

- (1) Simplify the calculation of postretirement adjustments so that they can be more easily communicated to plan I active and retired members;
  - (2) Provide postretirement adjustments based on years of service rather than size of benefit;
  - (3) Provide postretirement adjustments at an earlier age;
  - (4) Provide postretirement adjustments to a larger segment of plan I retirees;
- and

(5) Simplify administration by reducing the number of plan I postretirement adjustments to one.

**NEW SECTION. Sec. 2.** A new section is added to chapter 41.32 RCW under the subchapter heading "Plan I" to read as follows:

(1) Beginning July 1, 1995, and annually thereafter, the retirement allowance of a person meeting the requirements of this section shall be increased by the annual increase amount.

(2) The following persons shall be eligible for the benefit provided in subsection (1) of this section:

(a) A beneficiary who has received a retirement allowance for at least one year and has attained at least age sixty-six by July 1st in the calendar year in which the annual increase is given; or

(b) A beneficiary whose retirement allowance is lower than the minimum benefit provided under section 3 of this act.

(3) The following persons shall also be eligible for the benefit provided in subsection (1) of this section:

(a) A beneficiary receiving the minimum benefit on June 30, 1995, under RCW 41.32.485; or

(b) A recipient of a survivor benefit on June 30, 1995, which has been increased by RCW 41.32.575.

(4) If otherwise eligible, those receiving an annual adjustment under RCW 41.32.530(1)(d) shall be eligible for the annual increase adjustment in addition to the benefit that would have been received absent this section.

(5) Those receiving a temporary disability benefit under RCW 41.32.540 shall not be eligible for the benefit provided by this section.

(6) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to receive this postretirement adjustment not granted prior to that time.

**NEW SECTION. Sec. 3.** A new section is added to chapter 41.32 RCW under the subchapter heading "Plan I" to read as follows:

(1) No one who becomes a beneficiary after June 30, 1995, shall receive a monthly retirement allowance of less than twenty-four dollars and twenty-two cents times the number of years of service creditable to the person whose service is the basis of such retirement allowance.

(2) If the retirement allowance payable was adjusted at the time benefit payments to the beneficiary commenced, the minimum allowance provided in this section shall be adjusted in a manner consistent with that adjustment.

(3) Beginning July 1, 1996, the minimum benefit set forth in subsection (1) of this section shall be adjusted annually by the annual increase.

(4) Those receiving a temporary disability benefit under RCW 41.32.540 shall not be eligible for the benefit provided by this section.

**NEW SECTION. Sec. 4.** A new section is added to chapter 41.32 RCW under the subchapter heading "Plan I" to read as follows:

(1) The amount of the July 1, 1993, increase to the retirement allowance of beneficiaries under this chapter as a result of the temporary adjustment authorized by section 2, chapter 519, Laws of 1993, shall be made a permanent adjustment on July 1, 1995.

(2) Beneficiaries receiving a benefit under RCW 41.32.485 who are at least age seventy-nine shall receive on July 1, 1995, a permanent adjustment of one dollar and eighteen cents per month per year of service.

(3) Beneficiaries under this chapter who are not subject to subsection (1) of this section and not receiving a benefit under RCW 41.32.485 shall receive the following permanent adjustment to their retirement allowance on July 1, 1995:

(a) Those who are age seventy, thirty-nine cents per month per year of service;

(b) Those who are age seventy-one, seventy-nine cents per month per year of service; and

(c) Those who are at least age seventy-two, one dollar and eighteen cents per month per year of service.

**NEW SECTION.** Sec. 5. A new section is added to chapter 41.40 RCW under the subchapter heading "Plan I" to read as follows:

(1) Beginning July 1, 1995, and annually thereafter, the retirement allowance of a person meeting the requirements of this section shall be increased by the annual increase amount.

(2) The following persons shall be eligible for the benefit provided in subsection (1) of this section:

(a) A beneficiary who has received a retirement allowance for at least one year and has attained at least age sixty-six by July 1st in the calendar year in which the annual increase is given; or

(b) A beneficiary whose retirement allowance is lower than the minimum benefit provided under section 7 of this act.

(3) The following persons shall also be eligible for the benefit provided in subsection (1) of this section:

(a) A beneficiary receiving the minimum benefit on June 30, 1995, under RCW 41.40.198; or

(b) A recipient of a survivor benefit on June 30, 1995, which has been increased by RCW 41.40.325.

(4) If otherwise eligible, those receiving an annual adjustment under RCW 41.40.188(1)(c) shall be eligible for the annual increase adjustment in addition to the benefit that would have been received absent this section.

(5) Those receiving a benefit under RCW 41.40.220(1), or a survivor of a disabled member under RCW 41.44.170(5) shall be eligible for the benefit provided by this section.

(6) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to receive this postretirement adjustment not granted prior to that time.

NEW SECTION. Sec. 6. A new section is added to chapter 41.40 RCW under the subchapter heading "Part I" to read as follows:

For the purposes of sections 5, 7, and 8 of this act, "beneficiary" means a beneficiary under RCW 41.40.010 or 41.44.030, or both RCW 41.40.010 and 41.44.030.

NEW SECTION. Sec. 7. A new section is added to chapter 41.40 RCW under the subchapter heading "Plan I" to read as follows:

(1) Except as provided in subsections (4) and (5) of this section, no one who becomes a beneficiary after June 30, 1995, shall receive a monthly retirement allowance of less than twenty-four dollars and twenty-two cents times the number of years of service creditable to the person whose service is the basis of such retirement allowance.

(2) Where the retirement allowance payable was adjusted at the time benefit payments to the beneficiary commenced, the minimum allowance provided in this section shall be adjusted in a manner consistent with that adjustment.

(3) Beginning July 1, 1996, the minimum benefit set forth in subsection (1) of this section shall be adjusted annually by the annual increase.

(4) Those receiving a benefit under RCW 41.40.220(1) or under RCW 41.44.170 (3) and (5) shall not be eligible for the benefit provided by this section.

(5) For persons who served as elected officials and whose accumulated employee contributions and credited interest was less than seven hundred fifty dollars at the time of retirement, the minimum benefit under subsection (1) of this section shall be ten dollars per month per each year of creditable service.

NEW SECTION. Sec. 8. A new section is added to chapter 41.40 RCW under the subchapter heading "Plan I" to read as follows:

(1) The amount of the July 1, 1993, increase to the retirement allowance of beneficiaries under this chapter as a result of the temporary adjustment authorized by section 3, chapter 519, Laws of 1993, shall be made a permanent adjustment on July 1, 1995.

(2) Beneficiaries receiving a benefit under RCW 41.40.198 who are at least age seventy-nine shall receive on July 1, 1995, a permanent adjustment of one dollar and eighteen cents per month per year of service.

(3) Beneficiaries under this chapter who are not subject to subsection (1) of this section and are not receiving a benefit under RCW 41.40.198 shall receive the following permanent adjustment to their retirement allowance on July 1, 1995:

(a) Those who are age seventy, thirty-nine cents per month per year of service;

(b) Those who are age seventy-one, seventy-nine cents per month per year of service; and

(c) Those who are at least age seventy-two, one dollar and eighteen cents per month per year of service.



Sec. 9. RCW 41.32.010 and 1994 c 298 s 3, 1994 c 247 s 2, and 1994 c 197 s 12 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)(a) "Accumulated contributions" for plan I members, means the sum of all regular annuity contributions and, except for the purpose of withdrawal at the time of retirement, any amount paid under RCW 41.50.165(2) with regular interest thereon.

(b) "Accumulated contributions" for plan II members, means the sum of all contributions standing to the credit of a member in the member's individual account, including any amount paid under RCW 41.50.165(2), 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) "Member reserve" means the fund in which all of the accumulated contributions of members are held.

(5)(a) "Beneficiary" for plan I members, means any person in receipt of a retirement allowance or other benefit provided by this chapter.

(b) "Beneficiary" for plan II members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(6) "Contract" means any agreement for service and compensation between a member and an employer.

(7) "Creditable service" means membership service plus prior service for which credit is allowable. This subsection shall apply only to plan I members.

(8) "Dependent" means receiving one-half or more of support from a member.

(9) "Disability allowance" means monthly payments during disability. This subsection shall apply only to plan I members.

(10)(a) "Earnable compensation" for plan I members, means:

(i) 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.

(ii) "Earnable compensation" for plan I members also includes the following actual or imputed payments, which are not paid for personal services:

(A) 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.

(B) 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.

(iii) 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 41.32.345. 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.

(iv) "Earnable compensation" does not include:

(A) Remuneration for unused sick leave authorized under RCW 41.04.340, 28A.400.210, or 28A.310.490;

(B) Remuneration for unused annual leave in excess of thirty days as authorized by RCW 43.01.044 and 43.01.041.

(b) "Earnable compensation" for plan II members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay.

"Earnable compensation" for plan II members also includes the following actual or imputed payments which, except in the case of (b)(ii)(B) of this subsection, are not paid for personal services:

(i) 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.

(ii) 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:

(A) The earnable compensation the member would have received had such member not served in the legislature; or

(B) 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 (b)(ii)(A) of this subsection is greater than compensation earnable under (b)(ii)(B) of this subsection shall be paid by the member for both member and employer contributions.

(11) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(12) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(13) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(14) "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.

(15) "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 member reserve.

(16) "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 receive no more than one service credit month during any calendar month in which multiple service is rendered. The provisions of this subsection shall apply only to plan I members.

(17) "Pension" means the moneys payable per year during life from the pension reserve.

(18) "Pension reserve" 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.

(19) "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 plan I members.

(20) "Prior service contributions" means contributions made by a member to secure credit for prior service. The provisions of this subsection shall apply only to plan I members.

(21) "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.

(22) "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 member reserve. This subsection shall apply only to plan I members.

(23) "Regular interest" means such rate as the director may determine.

(24)(a) "Retirement allowance" for plan I members, means monthly payments based on the sum of annuity and pension, or any optional benefits payable in lieu thereof.

(b) "Retirement allowance" for plan II members, means monthly payments to a retiree or beneficiary as provided in this chapter.

(25) "Retirement system" means the Washington state teachers' retirement system.

(26)(a) "Service" for plan I members means the time during which a member has been employed by an employer for compensation.

(i) If a member is employed by two or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered.

(ii) As authorized by RCW 28A.400.300, up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(iii) As authorized in RCW 41.32.065, service earned in an out-of-state retirement system that covers teachers in public schools may be applied solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(b) "Service" for plan II members, means periods of employment by a member for one or more employers for which earnable compensation is earned subject to the following conditions:

(i) A member employed in an eligible position or as a substitute shall receive one service credit month for each month of September through August of the following year if he or she earns earnable compensation for eight hundred ten or more hours during that period and is employed during nine of those months, except that a member may not receive credit for any period prior to the member's employment in an eligible position except as provided in RCW 41.32.812 and 41.50.132;

(ii) If a member is employed either in an eligible position or as a substitute teacher for nine months of the twelve month period between September through August of the following year but earns earnable compensation for less than eight hundred ten hours but for at least six hundred thirty hours, he or she will receive one-half of a service credit month for each month of the twelve month period;

(iii) All other members in an eligible position or as a substitute teacher shall receive service credit as follows:

(A) A service credit month is earned in those calendar months where earnable compensation is earned for ninety or more hours;

(B) A half-service credit month is earned in those calendar months where earnable compensation is earned for at least seventy hours but less than ninety hours; and

(C) A quarter-service credit month is earned in those calendar months where earnable compensation is earned for less than seventy hours.

(iv) Any person who is a member of the teachers' retirement system and who is elected or appointed to a state elective position may continue to be a member of the retirement system and continue to receive a service credit month for each of the months in a state elective position by making the required member contributions.

(v) 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.

(vi) As authorized by RCW 28A.400.300, up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.32.470. For purposes of plan II "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than eleven days equals one-quarter service credit month;

(B) Eleven or more days but less than twenty-two days equals one-half service credit month;

(C) Twenty-two days equals one service credit month;

(D) More than twenty-two days but less than thirty-three days equals one and one-quarter service credit month;

(E) Thirty-three or more days but less than forty-five days equals one and one-half service credit month.

(vii) As authorized in RCW 41.32.065, service earned in an out-of-state retirement system that covers teachers in public schools may be applied solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(viii) The department shall adopt rules implementing this subsection.

(27) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(28) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

(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 plan II members, means the member's average earnable compensation of the highest consecutive sixty service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.32.810(2).

(31) "Retiree" means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer while a member. A person is in receipt of a retirement allowance as defined in subsection (24) of this section or other benefit as provided by this chapter when the department mails, causes to be mailed, or otherwise transmits the retirement allowance warrant.

(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) "Substitute teacher" means:

(a) A teacher who is hired by an employer to work as a temporary teacher, except for teachers who are annual contract employees of an employer and are guaranteed a minimum number of hours; or

(b) Teachers who either (i) work in ineligible positions for more than one employer or (ii) work in an ineligible position or positions together with an eligible position.

(37)(a) "Eligible position" for plan II members from June 7, 1990, through September 1, 1991, means a position which normally requires two or more uninterrupted months of creditable service during September through August of the following year.

(b) "Eligible position" for plan II on and after September 1, 1991, means a position that, as defined by the employer, normally requires five or more months of at least seventy hours of earnable compensation during September through August of the following year.

(c) For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position.

(d) The elected position of the superintendent of public instruction is an eligible position.

(38) "Plan I" means the teachers' retirement system, plan I providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(39) "Plan II" means the teachers' retirement system, plan II providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(40) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items compiled by the bureau of labor statistics, United States department of labor.

(41) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

(42) "Index B" means the index for the year prior to index A.

(43) "Index year" means the earliest calendar year in which the index is more than sixty percent of index A.

(44) "Adjustment ratio" means the value of index A divided by index B.

(45) "Annual increase" means, initially, fifty-nine cents per month per year of service which amount shall be increased each July 1st by three percent, rounded to the nearest cent.

Sec. 10. RCW 41.40.010 and 1994 c 298 s 2, 1994 c 247 s 5, 1994 c 197 s 23, and 1994 c 177 s 8 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) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(3) "State treasurer" means the treasurer of the state of Washington.

(4)(a) "Employer" for plan I members, 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; 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 plan II members, 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 41.40.023. RCW 41.26.045 does not prohibit a person otherwise eligible for membership in the retirement system from establishing such membership effective when he or she first entered an eligible position.

(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 plan I members, 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. Compensation that a member receives for being in standby status is also compensation earnable, subject to the conditions of this subsection. A member is in standby status when not being paid for time actually worked and only when both of the following conditions exist: (i) The member is required to be present at, or in the immediate vicinity of, a specified location; and (ii) the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise. Standby compensation is regular salary for the purposes of RCW 41.50.150(2).

(A) "Compensation earnable" for plan I members also includes the following actual or imputed payments, which are not paid for personal services:

(I) 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;

(II) 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.

(III) Assault pay only as authorized by RCW 27.04.100, 72.01.045, and 72.09.240;

(IV) Compensation that a member would have received but for a disability occurring in the line of duty only as authorized by RCW 41.40.038; and

(V) Compensation that a member receives due to participation in the leave sharing program only as authorized by RCW 41.04.650 through 41.04.670.

(B) "Compensation earnable" does not include:

(I) Remuneration for unused sick leave authorized under RCW 41.04.340, 28A.400.210, or 28A.310.490;

(II) Remuneration for unused annual leave in excess of thirty days as authorized by RCW 43.01.044 and 43.01.041.

(b) "Compensation earnable" for plan II members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude nonmoney maintenance compensation and lump sum or other payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay. Compensation that a member receives for being in standby status is also compensation earnable, subject to the conditions of this subsection. A member is in standby status when not being paid for time actually worked and only when both of the following conditions exist: (i) The member is required to be present at, or in the immediate vicinity of, a specified location; and (ii) the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise. Standby compensation is regular salary for the purposes of RCW 41.50.150(2).

"Compensation earnable" for plan II members also includes the following actual or imputed payments, which are not paid for personal services:

(A) 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;

(B) 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 (b)(ii)(B)(II) of this subsection is greater than compensation earnable under (b)(ii)(B)(I) of this subsection shall be paid by the member for both member and employer contributions;

(C) Assault pay only as authorized by RCW 27.04.100, 72.01.045, and 72.09.240;

(D) Compensation that a member would have received but for a disability occurring in the line of duty only as authorized by RCW 41.40.038; and

(E) Compensation that a member receives due to participation in the leave sharing program only as authorized by RCW 41.04.650 through 41.04.670.

(9)(a) "Service" for plan I members, except as provided in RCW 41.40.088, means periods of employment in an eligible position or positions for one or more employers rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Compensation earnable earned in full time work for seventy hours or more in any given calendar month shall constitute one service credit month except as provided in RCW 41.40.088. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service except as provided in RCW 41.40.088. Only service credit months and one-quarter service credit months shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits. Time spent in standby status, whether compensated or not, is not service.

(i) 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.

(ii) An individual shall receive no more than a total of twelve service credit months of service during any calendar year. If an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for seventy or more hours is rendered.

(iii) A school district employee may count up to forty-five days of sick leave as creditable service solely for the purpose of determining eligibility to retire under RCW 41.40.180 as authorized by RCW 28A.400.300. For purposes of

plan I "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than twenty-two days equals one-quarter service credit month;

(B) Twenty-two days equals one service credit month;

(C) More than twenty-two days but less than forty-five days equals one and one-quarter service credit month.

(b) "Service" for plan II members, means periods of employment by a member in an eligible position or positions for one or more employers for which compensation earnable is paid. Compensation earnable earned for ninety or more hours in any calendar month shall constitute one service credit month except as provided in RCW 41.40.088. Compensation earnable earned for at least seventy hours but less than ninety hours in any calendar month shall constitute one-half service credit month of service. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service. Time spent in standby status, whether compensated or not, is not service.

Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits.

(i) 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.

(ii) A member shall receive a total of not more than twelve service credit months of service for such calendar year. If an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for ninety or more hours is rendered.

(iii) Up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.40.180 as authorized by RCW 28A.400.300. For purposes of plan II "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than eleven days equals one-quarter service credit month;

(B) Eleven or more days but less than twenty-two days equals one-half service credit month;

(C) Twenty-two days equals one service credit month;

(D) More than twenty-two days but less than thirty-three days equals one and one-quarter service credit month;

(E) Thirty-three or more days but less than forty-five days equals one and one-half service credit month.

(10) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(11) "Service credit month" means a month or an accumulation of months of service credit which is equal to one.

(12) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(13) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system: PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the department) on the employee's portion prior to retirement of such person, by the employee or his or her employer, except as qualified by RCW 41.40.023: 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.

(14)(a) "Beneficiary" for plan I members, means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(b) "Beneficiary" for plan II members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(15) "Regular interest" means such rate as the director may determine.

(16) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account, including any amount paid under RCW 41.50.165(2), together with the regular interest thereon.

(17)(a) "Average final compensation" for plan I members, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service credit months for which service credit is allowed; or if the member has less than two years of service credit months then the annual average compensation earnable during the total years of service for which service credit is allowed.

(b) "Average final compensation" for plan II members, means the member's average compensation earnable of the highest consecutive sixty months of service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.40.710(2).

(18) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of employment.

(19) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(20) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(21) "Retirement allowance" means the sum of the annuity and the pension.

(22) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.023.

(23) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the director.

(24) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(25) "Eligible position" means:

(a) Any position that, as defined by the employer, normally requires five or more months of service a year for which regular compensation for at least seventy hours is earned by the occupant thereof. For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(26) "Ineligible position" means any position which does not conform with the requirements set forth in subsection (25) of this section.

(27) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(28) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

(29) "Retiree" means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer while a member. A person is in receipt of a retirement allowance as defined in subsection (21) of this section or other benefit as provided by this chapter when the department mails, causes to be mailed, or otherwise transmits the retirement allowance warrant.

(30) "Director" means the director of the department.

(31) "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.

(32) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(33) "Plan I" means the public employees' retirement system, plan I providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(34) "Plan II" means the public employees' retirement system, plan II providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(35) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

(36) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

(37) "Index B" means the index for the year prior to index A.

(38) "Index year" means the earliest calendar year in which the index is more than sixty percent of index A.

(39) "Adjustment ratio" means the value of index A divided by index B.

(40) "Annual increase" means, initially, fifty-nine cents per month per year of service which amount shall be increased each July 1st by three percent, rounded to the nearest cent.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

(1) RCW 41.32.487 and 1989 c 272 s 6 & 1987 c 455 s 3;

(2) RCW 41.32.4871 and 1993 c 519 s 2;

(3) RCW 41.32.499 and 1991 c 35 s 56, 1973 2nd ex.s. c 32 s 1, & 1973 1st ex.s. c 189 s 9;

(4) RCW 41.32.575 and 1994 c 247 s 3 & 1989 c 272 s 3;

(5) RCW 41.40.195 and 1991 c 35 s 79, 1973 2nd ex.s. c 14 s 1, 1973 1st ex.s. c 190 s 11, 1971 ex.s. c 271 s 6, & 1970 ex.s. c 68 s 1;

(6) RCW 41.40.198 and 1989 c 272 s 8, 1987 c 455 s 2, 1986 c 306 s 3, & 1979 ex.s. c 96 s 1;

(7) RCW 41.40.1981 and 1989 c 272 s 9 & 1987 c 455 s 4;

(8) RCW 41.40.1983 and 1993 c 519 s 3; and

(9) RCW 41.40.325 and 1994 c 247 s 6 & 1989 c 272 s 2.

**NEW SECTION. Sec. 12.** RCW 41.32.488 is decodified.

**NEW SECTION. Sec. 13.** The department of retirement systems may continue to pay cost-of-living adjustments consistent with the provisions of the statutes repealed by section 11 of this act, in lieu of the benefits provided by sections 2, 4, 5, and 8 of this act, if the department determines that: (1) A member earned service credit under chapter 41.40 or 41.32 RCW on or after May 8, 1989; and (2) a retiree would receive greater increases in the next ten years under the statutes repealed by section 11 of this act than under the provisions of sections 2, 4, 5, and 8 of this act; and (3) the retiree does not elect the benefits provided by this act over the benefits provided under the statutes repealed by section 11 of this act. The election must be made in a manner prescribed by the department.

**NEW SECTION. Sec. 14.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 11, 1995.

Passed the House April 22, 1995.

Approved by the Governor May 12, 1995.

Filed in Office of Secretary of State May 12, 1995.

## CHAPTER 346

[Engrossed Substitute House Bill 1611]

### ALTERNATIVE HOUSING FOR YOUTH IN CRISIS—TAX EXEMPTION FOR NEW CONSTRUCTION

AN ACT Relating to tax exemptions for new construction of alternative housing for youth in crisis; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and declaring an emergency.

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

**NEW SECTION. Sec. 1.** A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales to health or social welfare organizations, as defined in RCW 82.04.431, of items necessary for new construction of alternative housing for youth in crisis, so long as the facility will be a licensed agency under chapter 74.15 RCW, upon completion. This section shall expire July 1, 1997.

**NEW SECTION. Sec. 2.** A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply in respect to the use of any item acquired by a health or social welfare organization, as defined in RCW 82.04.431, of items necessary for new construction of alternative housing for youth in crisis, so long as the facility will be a licensed agency under chapter 74.15 RCW, upon completion. This section shall expire July 1, 1997.

**NEW SECTION. Sec. 3.** For the purposes of sections 1 and 2 of this act, "youth in crisis" means any youth under eighteen years of age who is either: Homeless; a runaway from the home of a parent, guardian, or legal custodian; abused; neglected; abandoned by a parent, guardian, or legal custodian; or suffering from a substance abuse or mental disorder.

**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 April 19, 1995.  
Passed the Senate April 7, 1995.  
Approved by the Governor May 13, 1995.  
Filed in Office of Secretary of State May 13, 1995.

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**CHAPTER 347**

[Engrossed Substitute House Bill 1724]

**INTEGRATION OF GROWTH MANAGEMENT PLANNING AND ENVIRONMENTAL REVIEW**

AN ACT Relating to implementing the recommendations of the governor's task force on regulatory reform on integrating growth management planning and environmental review; amending RCW 36.70A.130, 36.70A.140, 36.70A.280, 36.70A.300, 36.70A.320, 36.70A.330, 34.05.514, 43.21C.031, 43.21C.075, 43.21C.080, 43.21C.110, 43.21C.900, 90.58.020, 90.58.030, 90.58.050, 90.58.060, 90.58.080, 90.58.090, 90.58.100, 90.58.120, 90.58.140, 90.58.180, 90.58.190, 34.05.461, 36.70A.440, 36.70A.065, 36.70A.065, 43.21C.033, 35.63.130, 35A.63.170, 36.70.970, 58.17.090, 58.17.092, 58.17.100, 58.17.330, 7.16.360, and 58.17.180; reenacting and amending RCW 36.70A.030 and 36.70A.290; adding new sections to chapter 36.70A RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 64.40 RCW; adding new sections to chapter 43.131 RCW; adding a new section to chapter 4.84 RCW; adding new chapters to Title 36 RCW; adding a new chapter to Title 90 RCW; adding a new chapter to Title 82 RCW; creating new sections; recodifying RCW 36.70A.065 and 36.70A.440; repealing RCW 90.58.145, 90.62.010, 90.62.020, 90.62.030, 90.62.040, 90.62.050, 90.62.060, 90.62.070, 90.62.080, 90.62.090, 90.62.100, 90.62.110, 90.62.120, 90.62.130, 90.62.900, 90.62.901, 90.62.904, 90.62.905, 90.62.906, 90.62.907, and 90.62.908; providing effective dates; providing expiration dates; and declaring an emergency.

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

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**NEW SECTION.** Sec. 1. The legislature recognizes by this act that the growth management act is a fundamental building block of regulatory reform. The state and local governments have invested considerable resources in an act that should serve as the integrating framework for all other land-use related laws. The growth management act provides the means to effectively combine certainty for development decisions, reasonable environmental protection, long-range planning for cost-effective infrastructure, and orderly growth and development.

**PART I - GROWTH MANAGEMENT ACT**

**NEW SECTION.** Sec. 101. The legislature finds that during project review, a county or city planning under RCW 36.70A.040 is likely to discover the need to make various improvements in comprehensive plans and development regulations. There is no current requirement or process for applicants, citizens, or agency staff to ensure that these improvements are considered in the plan review process. The legislature also finds that in the past environmental review and permitting of proposed projects have been used to reopen and make land use planning decisions that should have been made through the comprehensive planning process, in part because agency staff and hearing examiners have not been able to ensure consideration of all issues in the local planning process. The legislature further finds that, while plans and regulations should be improved and refined over time, it is unfair to penalize applicants that have submitted permit applications that meet current requirements. It is the intent of the legislature in enacting section 102 of this act to establish a means by which cities and counties will docket suggested plan or development regulation amendments and ensure their consideration during the planning process.

**NEW SECTION.** Sec. 102. A new section is added to chapter 36.70A RCW to read as follows:

(1) Project review, which shall be conducted pursuant to the provisions of chapter 36.— RCW (the new chapter created in section 431 of this act), shall be used to make individual project decisions, not land use planning decisions. If,

during project review, a county or city planning under RCW 36.70A.040 identifies deficiencies in plans or regulations:

(a) The permitting process shall not be used as a comprehensive planning process;

(b) Project review shall continue; and

(c) The identified deficiencies shall be docketed for possible future plan or development regulation amendments.

(2) Each county and city planning under RCW 36.70A.040 shall include in its development regulations a procedure for any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest plan or development regulation amendments. The suggested amendments shall be docketed and considered on at least an annual basis, consistent with the provisions of RCW 36.70A.130.

(3) For purposes of this section, a deficiency in a comprehensive plan or development regulation refers to the absence of required or potentially desirable contents of a comprehensive plan or development regulation. It does not refer to whether a development regulation addresses a project's probable specific adverse environmental impacts which the permitting agency could mitigate in the normal project review process.

(4) For purposes of this section, docketing refers to compiling and maintaining a list of suggested changes to the comprehensive plan or development regulations in a manner that will ensure such suggested changes will be considered by the county or city and will be available for review by the public.

*\*Sec. 103. RCW 36.70A.030 and 1994 c 307 s 2 and 1994 c 257 s 5 are each reenacted and amended to read as follows:*

*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, finfish in upland hatcheries, 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, trade, and economic development.

~~(7) ((For purposes of RCW 36.70A.065 and 36.70A.440, "development permit application" means any application for a development proposal for a use that could be permitted under a plan adopted pursuant to this chapter and is consistent with the underlying land use and zoning, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses or other applications pertaining to land uses, but shall not include rezones, proposed amendments to comprehensive plans or the adoption or amendment of development regulations.~~

~~(8))~~ (8)) "Development regulations" means ~~((any))~~ the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in section 402 of this act, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

~~((9))~~ (8) "Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

~~((10))~~ (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.

~~((11))~~ (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.

~~((12))~~ (11) "Minerals" include gravel, sand, and valuable metallic substances.

~~((13))~~ (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.

~~((14))~~ (13) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

~~((13))~~ (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.

~~((16))~~ (15) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

~~((17))~~ (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.

~~((18))~~ (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).~~

\*Sec. 103 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 104. A new section is added to chapter 36.70A RCW to read as follows:

(1) For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(2) The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations.

**NEW SECTION.** Sec. 105. A new section is added to chapter 36.70A RCW to read as follows:

(1) In designating and protecting critical areas under this chapter, counties and cities shall include the best available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

(2) If it determines that advice from scientific or other experts is necessary or will be of substantial assistance in reaching its decision, a growth management hearings board may retain scientific or other expert advice to assist in reviewing a petition under RCW 36.70A.290 that involves critical areas.

**Sec. 106.** RCW 36.70A.130 and 1990 1st ex.s. c 17 s 13 are each amended to read as follows:

(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)(a) Each county and city shall establish and broadly disseminate to the public a public participation program identifying 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 except that amendments may be considered more frequently under the following circumstances:

(i) The initial adoption of a subarea plan; and

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW.

(b) All proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(3) Each county that designates urban growth areas under RCW 36.70A.110 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.

**Sec. 107.** RCW 36.70A.140 and 1990 1st ex.s. c 17 s 14 are each amended to read as follows:

Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying 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. In enacting legislation in response to the board's decision pursuant to RCW 36.70A.300 declaring part or all of a comprehensive plan or development regulation invalid, the county or city shall provide for public participation that is appropriate and effective under the circumstances presented by the board's order. Errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

**Sec. 108.** RCW 36.70A.280 and 1994 c 249 s 31 are each amended to read as follows:

(1) A growth management hearings board shall hear and determine only those petitions alleging either:

(a) That a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW; or

(b) That the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted.

(2) A petition may be filed only by the state, a county or city that plans under this chapter, a person who has either appeared before the county or city regarding the matter on which a review is being requested or is certified by the governor within sixty days of filing the request with the board, or a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, a board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by a board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by a board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as a "board adjusted population projection". None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

**Sec. 109.** RCW 36.70A.290 and 1994 c 257 s 2 and 1994 c 249 s 26 are each reenacted and amended to read as follows:

(1) All requests for review to a growth management hearings board shall be initiated by filing a petition that includes a detailed statement of issues presented for resolution by the board.

(2) All petitions relating to whether or not an adopted comprehensive plan, development regulation, or permanent amendment thereto, is in compliance with the goals and requirements of this chapter or chapter 90.58 or 43.21C RCW must be filed within sixty days after publication by the legislative bodies of the county or city.

(a) Except as provided in (c) of this subsection, the date of publication for a city shall be the date the city publishes the ordinance, or summary of the ordinance, adopting the comprehensive plan or development regulations, or amendment thereto, as is required to be published.

(b) Promptly after adoption, a county shall publish a notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

Except as provided in (c) of this subsection, for purposes of this section the date of publication for a county shall be the date the county publishes the notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

(c) For local governments planning under RCW 36.70A.040, promptly after approval or disapproval of a local government's shoreline master program or amendment thereto by the department of ecology as provided in RCW 90.58.090, the local government shall publish a notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology. For purposes of this section, the date of publication for the adoption or amendment of a shoreline master program is the date the local government

publishes notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology.

(3) Unless the board dismisses the petition as frivolous or finds that the person filing the petition lacks standing, the board shall, within ten days of receipt of the petition, set a time for hearing the matter.

(4) The board shall base its decision on the record developed by the city, county, or the state and supplemented with additional evidence if the board determines that such additional evidence would be necessary or of substantial assistance to the board in reaching its decision.

(5) The board, shall consolidate, when appropriate, all petitions involving the review of the same comprehensive plan or the same development regulation or regulations.

**Sec. 110.** RCW 36.70A.300 and 1991 sp.s. c 32 s 11 are each amended to read as follows:

(1) The board shall issue a final order within one hundred eighty days of receipt of the petition for review, or, when multiple petitions are filed, within one hundred eighty days of receipt of the last petition that is consolidated. Such a final order shall be based exclusively on whether or not a state agency, county, or city is in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to plans, development regulations, and amendments thereto, adopted under RCW 36.70A.040 or chapter 90.58 RCW. In the final order, the board shall either: (a) Find that the state agency, county, or city is in compliance with the requirements of this chapter or chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs; or (b) find that the state agency, county, or city is not in compliance with the requirements of this chapter or chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, in which case the board shall remand the matter to the affected state agency, county, or city and specify a reasonable time not in excess of one hundred eighty days within which the state agency, county, or city shall comply with the requirements of this chapter.

(2) A finding of noncompliance and an order of remand shall not affect the validity of comprehensive plans and development regulations during the period of remand, unless the board's final order also:

(a) Includes a determination, supported by findings of fact and conclusions of law, that the continued validity of the plan or regulation would substantially interfere with the fulfillment of the goals of this chapter; and

(b) Specifies the particular part or parts of the plan or regulation that are determined to be invalid, and the reasons for their invalidity.

(3) A determination of invalidity shall:

(a) Be prospective in effect and shall not extinguish rights that vested under state or local law before the date of the board's order; and

(b) Subject any development application that would otherwise vest after the date of the board's order to the local ordinance or resolution that both is enacted



in response to the order of remand and determined by the board pursuant to RCW 36.70A.330 to comply with the requirements of this chapter.

(4) If the ordinance that adopts a plan or development regulation under this chapter includes a savings clause intended to revive prior policies or regulations in the event the new plan or regulations are determined to be invalid, the board shall determine under subsection (2) of this section whether the prior policies or regulations are valid during the period of remand.

(5) Any party aggrieved by a final decision of the hearings board may appeal the decision to ((Thurston county)) superior court as provided in RCW 34.05.514 or 36.01.050 within thirty days of the final order of the board.

**Sec. 111.** RCW 36.70A.320 and 1991 sp.s. c 32 s 13 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, comprehensive plans and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption. In any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board shall find compliance unless it finds by a preponderance of the evidence that the state agency, county, or city erroneously interpreted or applied this chapter.

(2) The shoreline element of a comprehensive plan and the applicable development regulations adopted by a county or city shall take effect as provided in chapter 90.58 RCW.

**Sec. 112.** RCW 36.70A.330 and 1991 sp.s. c 32 s 14 are each amended to read as follows:

(1) After the time set for complying with the requirements of this chapter under RCW 36.70A.300(1)(b) has expired, or at an earlier time upon the motion of a county or city subject to a determination of invalidity under RCW 36.70A.300, the board((, on its own motion or motion of the petitioner,)) shall set a hearing for the purpose of determining whether the state agency, county, or city is in compliance with the requirements of this chapter.

(2) The board shall conduct a hearing and issue a finding of compliance or noncompliance with the requirements of this chapter. A person with standing to challenge the legislation enacted in response to the board's final order may participate in the hearing along with the petitioner and the state agency, city, or county. A hearing under this subsection shall be given the highest priority of business to be conducted by the board, and a finding shall be issued within forty-five days of the filing of the motion under subsection (1) of this section with the board.

(3) If the board finds that the state agency, county, or city is not in compliance, the board shall transmit its finding to the governor. The board may

recommend to the governor that the sanctions authorized by this chapter be imposed.

(4) The board shall also reconsider its final order and decide:

(a) If a determination of invalidity has been made, whether such a determination should be rescinded or modified under the standards in RCW 36.70A.300(2); or

(b) If no determination of invalidity has been made whether one now should be made under the standards in RCW 36.70A.300(2).

The board shall schedule additional hearings as appropriate pursuant to subsections (1) and (2) of this section.

**Sec. 113.** RCW 34.05.514 and 1994 c 257 s 23 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section (~~and RCW 36.70A.300(3)~~), proceedings for review under this chapter shall be instituted by filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located.

(2) For proceedings involving institutions of higher education, the petition shall be filed either in the county in which the principal office of the institution involved is located or in the county of a branch campus if the action involves such branch.

**NEW SECTION.** **Sec. 114.** (1) The legislature finds that:

(a) As of the effective date of this section, twenty-nine counties and two hundred eight cities are conducting comprehensive planning under the growth management act, chapter 36.70A RCW, which together comprise over ninety percent of the state's population;

(b) Comprehensive plans for many of the jurisdictions were due by July 1, 1994, and the remaining jurisdictions must complete plans under due dates ranging from October 1994 to September 1997;

(c) Concurrently with these comprehensive planning activities, local governments must conduct several other planning requirements under the growth management act, such as the adoption of capital facilities plans, urban growth areas, and development regulations;

(d) Local governments must also comply with the state environmental policy act, chapter 43.21C RCW, in the development of comprehensive plans and development regulations;

(e) The combined activities of comprehensive planning and the state environmental policy act present a serious fiscal burden upon local governments; and

(f) Detailed environmental analysis integrated with comprehensive plans, subarea plans, and development regulations will facilitate planning for and

managing growth, allow greater protection of the environment, and benefit both the general public and private property owners.

(2) In order to provide financial assistance to cities and counties planning under chapter 36.70A RCW and to improve the usefulness of plans and integrated environmental analyses, the legislature has created the fund described in section 115 of this act.

**NEW SECTION.** Sec. 115. A new section is added to chapter 36.70A RCW to read as follows:

The growth management planning and environmental review fund is hereby established in the state treasury. Moneys may be placed in the fund from the proceeds of bond sales, tax revenues, budget transfers, federal appropriations, gifts, or any other lawful source. Moneys in the fund may be spent only after appropriation. Moneys in the fund shall be used to make grants to local governments for the purposes set forth in section 202 of this act, RCW 43.21C.031, or section 116 of this act.

**NEW SECTION.** Sec. 116. A new section is added to chapter 36.70A RCW to read as follows:

(1) The department of community, trade, and economic development shall provide management services for the fund created by section 115 of this act. The department by rule shall establish procedures for fund management.

(2) A grant may be awarded to a county or city that is required to or has chosen to plan under RCW 36.70A.040 and that is qualified pursuant to this section. The grant shall be provided to assist a county or city in paying for the cost of preparing a detailed environmental impact statement that is integrated with a comprehensive plan or subarea plan and development regulations.

(3) In order to qualify for a grant, a county or city shall:

(a) Demonstrate that it will prepare an environmental analysis pursuant to chapter 43.21C RCW that is integrated with a comprehensive plan or subarea plan and development regulations;

(b) Address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by subsequent applicants for development permits within the geographic area analyzed in the plan;

(c) Include mechanisms in the plan to monitor the consequences of growth as it occurs in the plan area and provide ongoing data to update the plan and environmental analysis;

(d) Be making substantial progress towards compliance with the requirements of this chapter. A county or city that is more than six months out of compliance with a requirement of this chapter is deemed not to be making substantial progress towards compliance; and

(e) Provide local funding, which may include financial participation by the private sector.

(4) In awarding grants, the department shall give preference to proposals that include one or more of the following elements:

(a) Financial participation by the private sector, or a public/private partnering approach;

(b) Comprehensive and subarea plan proposals that are designed to identify and monitor system capacities for elements of the built environment, and to the extent appropriate, of the natural environment;

(c) Programs to improve the efficiency and effectiveness of the permitting process by greater reliance on integrated plans;

(d) Programs for effective citizen and neighborhood involvement that contribute to greater certainty that planning decisions will be implemented; and

(e) Plans that identify environmental impacts and establish mitigation measures that provide effective means to satisfy concurrency requirements and establish project consistency with the plans.

(5) If the local funding includes funding provided by other state functional planning programs, including open space planning and watershed or basin planning, the functional plan shall be integrated into and be consistent with the comprehensive plan.

## PART II - STATE ENVIRONMENTAL POLICY ACT

NEW SECTION. **Sec. 201.** (1) The legislature finds in adopting section 202 of this act that:

(a) Comprehensive plans and development regulations adopted by counties, cities, and towns under chapter 36.70A RCW and environmental laws and rules adopted by the state and federal government have addressed a wide range of environmental subjects and impacts. These plans, regulations, rules, and laws often provide environmental analysis and mitigation measures for project actions without the need for an environmental impact statement or further project mitigation.

(b) Existing plans, regulations, rules, or laws provide environmental analysis and measures that avoid or otherwise mitigate the probable specific adverse environmental impacts of proposed projects should be integrated with, and should not be duplicated by, environmental review under chapter 43.21C RCW.

(c) Proposed projects should continue to receive environmental review, which should be conducted in a manner that is integrated with and does not duplicate other requirements. Project-level environmental review should be used to: (i) Review and document consistency with comprehensive plans and development regulations; (ii) provide prompt and coordinated review by government agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level; and (iii) ensure accountability by local government to applicants and the public for requiring and implementing mitigation measures.

(d) When a project permit application is filed, an agency should analyze the proposal's environmental impacts, as required by applicable regulations and the environmental review process required by this chapter, in one project review process. The project review process should include land use, environmental, public, and governmental review, as provided by the applicable regulations and the rules adopted under this chapter, so that documents prepared under different requirements can be reviewed together by the public and other agencies. This project review will provide an agency with the information necessary to make a decision on the proposed project.

(e) Through this project review process: (i) If the applicable regulations require studies that adequately analyze all of the project's specific probable adverse environmental impacts, additional studies under this chapter will not be necessary on those impacts; (ii) if the applicable regulations require measures that adequately address such environmental impacts, additional measures would likewise not be required under this chapter; and (iii) if the applicable regulations do not adequately analyze or address a proposal's specific probable adverse environmental impacts, this chapter provides the authority and procedures for additional review.

(2) The legislature intends that a primary role of environmental review under chapter 43.21C RCW is to focus on the gaps and overlaps that may exist in applicable laws and requirements related to a proposed action. The review of project actions conducted by counties, cities, and towns planning under RCW 36.70A.040 should integrate environmental review with project review. Chapter 43.21C RCW should not be used as a substitute for other land use planning and environmental requirements.

NEW SECTION. Sec. 202. A new section is added to chapter 43.21C RCW to read as follows:

(1) If the requirements of subsection (2) of this section are satisfied, a county, city, or town reviewing a project action may determine that the requirements for environmental analysis, protection, and mitigation measures in the county, city, or town's development regulations and comprehensive plans adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws and rules provide adequate analysis of and mitigation for the specific adverse environmental impacts of the project action to which the requirements apply.

(2) A county, city, or town may make the determination provided for in subsection (1) of this section if:

(a) In the course of project review, including any required environmental analysis, the local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, or other local, state, or federal rules or laws; and

(b) The local government bases or conditions its approval on compliance with these requirements or mitigation measures.

(3) If a county, city, or town's comprehensive plans, subarea plans, and development regulations adequately address a project's probable specific adverse environmental impacts, as determined under subsections (1) and (2) of this section, the county, city, or town shall not impose additional mitigation under this chapter during project review. Project review shall be integrated with environmental analysis under this chapter.

(4) A comprehensive plan, subarea plan, or development regulation shall be considered to adequately address an impact if the county, city, or town, through the planning and environmental review process under chapter 36.70A RCW and this chapter, has identified the specific adverse environmental impacts and:

(a) The impacts have been avoided or otherwise mitigated; or

(b) The legislative body of the county, city, or town has designated as acceptable certain levels of service, land use designations, development standards, or other land use planning required or allowed by chapter 36.70A RCW.

(5) In deciding whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction with environmental expertise with regard to a specific environmental impact, the county, city, or town shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the county, city, or town shall base or condition its project approval on compliance with these other existing rules or laws.

(6) Nothing in this section limits the authority of an agency in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by this chapter.

(7) This section shall apply only to a county, city, or town planning under RCW 36.70A.040.

**Sec. 203.** RCW 43.21C.031 and 1983 c 117 s 1 are each amended to read as follows:

(1) An environmental impact statement (the detailed statement required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for legislation and other major actions having a probable significant, adverse environmental impact. The environmental impact statement may be combined with the recommendation or report on the proposal or issued as a separate document. The substantive decisions or recommendations shall be clearly identifiable in the combined document. Actions categorically exempt under RCW 43.21C.110(1)(a) do not require environmental review or the preparation of an environmental impact statement under this chapter. In a county, city, or town planning under RCW 36.70A.040, a planned action, as provided for in subsection (2) of this section, does not require a threshold determination or the preparation of an environmental impact statement under this chapter, but is subject to environmental review and mitigation as provided in this chapter.

An environmental impact statement is required to analyze only those probable adverse environmental impacts which are significant. Beneficial environmental impacts may be discussed. The responsible official shall consult with agencies and the public to identify such impacts and limit the scope of an environmental impact statement. The subjects listed in RCW 43.21C.030(2)(c) need not be treated as separate sections of an environmental impact statement. Discussions of significant short-term and long-term environmental impacts, significant irrevocable commitments of natural resources, significant alternatives including mitigation measures, and significant environmental impacts which cannot be mitigated should be consolidated or included, as applicable, in those sections of an environmental impact statement where the responsible official decides they logically belong.

(2)(a) For purposes of this section, a planned action means one or more types of project action that:

(i) Are designated planned actions by an ordinance or resolution adopted by a county, city, or town planning under RCW 36.70A.040;

(ii) Have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with (A) a comprehensive plan or subarea plan adopted under chapter 36.70A RCW, or (B) a fully contained community, a master planned resort, a master planned development, or a phased project;

(iii) Are subsequent or implementing projects for the proposals listed in (a)(ii) of this subsection;

(iv) Are located within an urban growth area, as defined in RCW 36.70A.030;

(v) Are not essential public facilities as defined in RCW 36.70A.200; and

(vi) Are consistent with a comprehensive plan adopted under chapter 36.70A RCW.

(b) A county, city, or town shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the county, city, or town and may limit a planned action to a time period identified in the environmental impact statement or the ordinance or resolution adopted under this subsection.

Sec. 204. RCW 43.21C.075 and 1994 c 253 s 4 are each amended to read as follows:

(1) Because a major purpose of this chapter is to combine environmental considerations with public decisions, any appeal brought under this chapter shall be linked to a specific governmental action. The State Environmental Policy Act provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of this chapter. The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action.

(2) Unless otherwise provided by this section:

(a) Appeals under this chapter shall be of the governmental action together with its accompanying environmental determinations.

(b) Appeals of environmental determinations made (or lacking) under this chapter shall be commenced within the time required to appeal the governmental action which is subject to environmental review.

(3) If an agency has a procedure for appeals of agency environmental determinations made under this chapter, such procedure:

(a) Shall not allow more than one agency appeal proceeding on a procedural determination (the adequacy of a determination of significance/nonsignificance or of a final environmental impact statement)~~((consistent with any state statutory requirements for appeals to local legislative bodies))~~. The appeal proceeding on a determination of significance~~((nonsignificance))~~ may occur before the agency's final decision on a proposed action. The appeal proceeding on a determination of nonsignificance may occur before the agency's final decision on a proposed action only if the appeal is heard at a proceeding where the hearing body or officer will render a final recommendation or decision on the proposed underlying governmental action. Such ~~((an))~~ appeals shall also be allowed for a determination of significance/nonsignificance which may be issued by the agency after supplemental review;

(b) Shall consolidate an appeal of procedural issues and of substantive determinations made under this chapter (such as a decision to require particular mitigation measures or to deny a proposal) with a hearing or appeal on the underlying governmental action by providing for a single simultaneous ~~((appeal of an))~~ hearing before one hearing officer or body to consider the agency decision on a proposal and any environmental determinations made under this chapter, with the exception of the ~~((threshold determination))~~ appeal, if any, of a determination of significance as provided in (a) of this subsection or an appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes;

(c) Shall provide for the preparation of a record for use in any subsequent appeal proceedings, and shall provide for any subsequent appeal proceedings to be conducted on the record, consistent with other applicable law. An adequate record consists of findings and conclusions, testimony under oath, and taped or written transcript. An electronically recorded transcript will suffice for purposes of review under this subsection; and

(d) Shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(4) If a person aggrieved by an agency action has the right to judicial appeal and if an agency has an appeal procedure, such person shall, prior to seeking any judicial review, use such agency procedure if any such procedure is available, unless expressly provided otherwise by state statute.

(5) ~~((RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter.))~~ Some statutes and ordinances contain time periods for challenging



governmental actions which are subject to review under this chapter, such as various local land use approvals (the "underlying governmental action"). RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter. This ~~((section))~~ subsection does not modify any such time periods. ~~((This section governs when a judicial appeal must be brought under this chapter where a "notice of action" is used, and/or where there is another time period which is required by statute or ordinance for challenging the underlying governmental action.))~~ In this subsection, the term "appeal" refers to a judicial appeal only.

(a) If there is a time period for appealing the underlying governmental action, appeals under this chapter shall be commenced within ~~((thirty days))~~ such time period. The agency shall give official notice stating the date and place for commencing an appeal. ~~((If there is an agency proceeding under subsection (3) of this section, the appellant shall, prior to commencing a judicial appeal, submit to the responsible official a notice of intent to commence a judicial appeal. This notice of intent shall be given within the time period for commencing a judicial appeal on the underlying governmental action.))~~

(b) If there is no time period for appealing the underlying governmental action, and a notice of action under RCW 43.21C.080 ((may be used. If a notice of action)) is used, ((judicial)) appeals shall be commenced within the time period specified by RCW 43.21C.080((, unless there is a time period for appealing the underlying governmental action in which case (a) of this subsection shall apply.

~~((e) Notwithstanding RCW 43.21C.080(1), if there is a time period for appealing the underlying governmental action, a notice of action may be published within such time period)).~~

(6)(a) Judicial review under subsection (5) of this section of an appeal decision made by an agency under ((RCW 43.21C.075(5))) subsection (3) of this section shall be on the record, consistent with other applicable law.

(b) A taped or written transcript may be used. If a taped transcript is to be reviewed, a record shall identify the location on the taped transcript of testimony and evidence to be reviewed. Parties are encouraged to designate only those portions of the testimony necessary to present the issues raised on review, but if a party alleges that a finding of fact is not supported by evidence, the party should include in the record all evidence relevant to the disputed finding. Any other party may designate additional portions of the taped transcript relating to issues raised on review. A party may provide a written transcript of portions of the testimony at the party's own expense or apply to that court for an order requiring the party seeking review to pay for additional portions of the written transcript.

(c) Judicial review under this chapter shall without exception be of the governmental action together with its accompanying environmental determinations.

(7) Jurisdiction over the review of determinations under this chapter in an appeal before an agency or superior court shall upon consent of the parties be transferred in whole or part to the shorelines hearings board. The shorelines hearings board shall hear the matter and sign the final order expeditiously. The superior court shall certify the final order of the shorelines hearings board and said certified final order may only be appealed to an appellate court. In the case of an appeal under this chapter regarding a project or other matter that is also the subject of an appeal to the shorelines hearings board under chapter 90.58 RCW, the shorelines hearings board shall have sole jurisdiction over both the appeal under this section and the appeal under chapter 90.58 RCW, shall consider them together, and shall issue a final order within one hundred eighty days as provided in RCW 90.58.180.

(8) For purposes of this section and RCW 43.21C.080, the words "action", "decision", and "determination" mean substantive agency action including any accompanying procedural determinations under this chapter (except where the word "action" means "appeal" in RCW 43.21C.080(2) (~~and (3)~~)). The word "action" in this section and RCW 43.21C.080 does not mean a procedural determination by itself made under this chapter. The word "determination" includes any environmental document required by this chapter and state or local implementing rules. The word "agency" refers to any state or local unit of government. Except as provided in subsection (5) of this section, the word "appeal" refers to administrative, legislative, or judicial appeals.

(9) The court in its discretion may award reasonable attorney's fees of up to one thousand dollars in the aggregate to the prevailing party, including a governmental agency, on issues arising out of this chapter if the court makes specific findings that the legal position of a party is frivolous and without reasonable basis.

**Sec. 205.** RCW 43.21C.080 and 1977 ex.s. c 278 s 1 are each amended to read as follows:

(1) Notice of any action taken by a governmental agency may be publicized by the acting governmental agency, the applicant for, or the proponent of such action, in substantially the form as set forth in (~~subsection (3) of this section and in the following manner~~) rules adopted under RCW 43.21C.110:

(a) By publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the area where the property which is the subject of the action is located;

(b) By filing notice of such action with the department of ecology at its main office in Olympia prior to the date of the last newspaper publication; and

(c) Except for those actions which are of a nonproject nature, by one of the following methods which shall be accomplished prior to the date of (~~last~~) first newspaper publication;

(i) Mailing to the latest recorded real property owners, as shown by the records of the county treasurer, who share a common boundary line with the

property upon which the project is proposed through United States mail, first class, postage prepaid.

(ii) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed.

(2)(a) Except as otherwise provided in RCW 43.21C.075(5)(a), any action to set aside, enjoin, review, or otherwise challenge any such governmental action or subsequent governmental action for which notice is given as provided in subsection (1) of this section on grounds of noncompliance with the provisions of this chapter shall be commenced within ~~((thirty))~~ twenty-one days from the date of last newspaper publication of the notice pursuant to subsection (1) of this section, or be barred~~((: PROVIDED, HOWEVER, That the time period within which an action shall be commenced shall be ninety days (i) for projects to be performed by a governmental agency or to be performed under government contract, or (ii) for thermal power plant projects: PROVIDED FURTHER, That))~~.

(b) Any subsequent governmental action on the proposal for which notice has been given as provided in subsection (1) of this section shall not be set aside, enjoined, reviewed, or otherwise challenged on grounds of noncompliance with the provisions of RCW 43.21C.030(2) (a) through (h) unless there has been a substantial change in the proposal between the time of the first governmental action and the subsequent governmental action that is likely to have adverse environmental impacts beyond the range of impacts previously analyzed, or unless the action now being considered was identified in an earlier detailed statement or declaration of nonsignificance as being one which would require further environmental evaluation.

~~((b) Any action to challenge a subsequent governmental action based upon any provisions of this chapter shall be commenced within thirty days from the date of last newspaper publication of the subsequent governmental action except (i) for projects to be performed by a governmental agency or to be performed under governmental contract, or (ii) for thermal power plant projects which shall be challenged within ninety days from the date of last newspaper publication of the subsequent governmental action, or be barred.~~

(3) The form for such notice of action shall be issued by the department of ecology and shall be made available by the governmental agency taking an action subject to being publicized pursuant to this section, by the county auditor, and/or the city clerk to the project applicant or proposer. The form of such notice shall be substantially as follows:

**NOTICE OF ACTION BY**

.....

(Government agency or entity)

~~Pursuant to the provisions of chapter 43.21C RCW, notice is hereby given that:~~

The ..... (Government agency or entity) did on ..... (date), take the action described below:

Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act) shall be commenced within ..... days or be barred.

The action taken by ..... (Government agency or entity), notice of which is hereby given, was as follows:

(1) ..... (Here insert description of action taken such as: Adoption Ordinance No. ....; Issued Building Permit; Approved preliminary (or final) plat, etc.)

(2) ..... (Here insert brief description of the complete project or proposal.)

(3) Said action pertained to property commonly known as:

.....  
.....  
.....

(Sufficient description to locate property, but complete legal description not required)

(4) Pertinent documents may be examined during regular business hours at the office of: ..... located at:

.....  
(Location, including room number)

.....  
(Name of government agency, proponent, or applicant giving notice)

Filed by .....  
(Signature of individual and capacity in which such individual is signing))

Sec. 206. RCW 43.21C.110 and 1983 c 117 s 7 are each amended to read as follows:

It shall be the duty and function of the department of ecology(~~(which may utilize proposed rules developed by the environmental policy commission))~~):

(1) To adopt and amend thereafter rules of interpretation and implementation of this chapter (~~((the state environmental policy act of 1971))~~), subject to the requirements of chapter 34.05 RCW, for the purpose of providing uniform rules and guidelines to all branches of government including state agencies, political subdivisions, public and municipal corporations, and counties. The proposed rules shall be subject to full public hearings requirements associated with rule promulgation. Suggestions for modifications of the proposed rules shall be considered on their merits, and the department shall have the authority and responsibility for full and appropriate independent promulgation and adoption of rules, assuring consistency with this chapter as amended and with the preservation of protections afforded by this chapter. The rule making powers authorized in this section shall include, but shall not be limited to, the following phases of

interpretation and implementation of this chapter (~~((the state environmental policy act of 1971))~~):

(a) Categories of governmental actions which are not to be considered as potential major actions significantly affecting the quality of the environment, including categories pertaining to applications for water right permits pursuant to chapters 90.03 and 90.44 RCW. The types of actions included as categorical exemptions in the rules shall be limited to those types which are not major actions significantly affecting the quality of the environment. The rules shall provide for certain circumstances where actions which potentially are categorically exempt require environmental review. An action that is categorically exempt under the rules adopted by the department may not be conditioned or denied under this chapter.

(b) Rules for criteria and procedures applicable to the determination of when an act of a branch of government is a major action significantly affecting the quality of the environment for which a detailed statement is required to be prepared pursuant to RCW 43.21C.030.

(c) Rules and procedures applicable to the preparation of detailed statements and other environmental documents, including but not limited to rules for timing of environmental review, obtaining comments, data and other information, and providing for and determining areas of public participation which shall include the scope and review of draft environmental impact statements.

(d) Scope of coverage and contents of detailed statements assuring that such statements are simple, uniform, and as short as practicable; statements are required to analyze only reasonable alternatives and probable adverse environmental impacts which are significant, and may analyze beneficial impacts.

(e) Rules and procedures for public notification of actions taken and documents prepared.

(f) Definition of terms relevant to the implementation of this chapter including the establishment of a list of elements of the environment. Analysis of environmental considerations under RCW 43.21C.030(2) may be required only for those subjects listed as elements of the environment (or portions thereof). The list of elements of the environment shall consist of the "natural" and "built" environment. The elements of the built environment shall consist of public services and utilities (such as water, sewer, schools, fire and police protection), transportation, environmental health (such as explosive materials and toxic waste), and land and shoreline use (including housing, and a description of the relationships with land use and shoreline plans and designations, including population).

(g) Rules for determining the obligations and powers under this chapter of two or more branches of government involved in the same project significantly affecting the quality of the environment.

(h) Methods to assure adequate public awareness of the preparation and issuance of detailed statements required by RCW 43.21C.030(2)(c).

(i) To prepare rules for projects setting forth the time limits within which the governmental entity responsible for the action shall comply with the provisions of this chapter.

(j) Rules for utilization of a detailed statement for more than one action and rules improving environmental analysis of nonproject proposals and encouraging better interagency coordination and integration between this chapter and other environmental laws.

(k) Rules relating to actions which shall be exempt from the provisions of this chapter in situations of emergency.

(l) Rules relating to the use of environmental documents in planning and decision making and the implementation of the substantive policies and requirements of this chapter, including procedures for appeals under this chapter.

(m) Rules and procedures that provide for the integration of environmental review with project review as provided in section 202 of this act. The rules and procedures shall be jointly developed with the department of community, trade, and economic development and shall be applicable to the preparation of environmental documents for actions in counties, cities, and towns planning under RCW 36.70A.040. The rules and procedures shall also include criteria to analyze the consistency of project actions, including planned actions under RCW 43.21C.031(2), with development regulations adopted under chapter 36.70A RCW, or in the absence of applicable development regulations, the appropriate elements of a comprehensive plan or subarea plan adopted under chapter 36.70A RCW. Ordinances or procedures adopted by a county, city, or town to implement the provisions of section 202 of this act prior to the effective date of rules adopted under this subsection (1)(m) shall continue to be effective until the adoption of any new or revised ordinances or procedures that may be required. If any revisions are required as a result of rules adopted under this subsection (1)(m), those revisions shall be made within the time limits specified in RCW 43.21C.120.

(2) In exercising its powers, functions, and duties under this section, the department may:

(a) Consult with the state agencies and with representatives of science, industry, agriculture, labor, conservation organizations, state and local governments and other groups, as it deems advisable; and

(b) Utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals, in order to avoid duplication of effort and expense, overlap, or conflict with similar activities authorized by law and performed by established agencies.

(3) Rules adopted pursuant to this section shall be subject to the review procedures of chapter 34.05 RCW ((34.05.538 and 34.05.240)).

**Sec. 207.** RCW 43.21C.900 and 1971 ex.s. c 109 s 7 are each amended to read as follows:

This chapter shall be known and may be cited as the "State Environmental Policy Act (~~of 1974~~)" or "SEPA".

### PART III - SHORELINE MANAGEMENT ACT

**Sec. 301.** RCW 90.58.020 and 1992 c 105 s 1 are each amended to read as follows:

The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefor, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of state-wide significance. The department, in adopting guidelines for shorelines of state-wide significance, and local government, in developing master programs for shorelines of state-wide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the state-wide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;

(7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and ~~((wetlands))~~ shorelands of the state shall be recognized by the department. Shorelines and ~~((wetlands))~~ shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and ~~((wetlands))~~ shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

*\*Sec. 302. RCW 90.58.030 and 1987 c 474 s 1 arc each amended to read as follows:*

*As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:*

*(1) Administration:*

*(a) "Department" means the department of ecology;*

*(b) "Director" means the director of the department of ecology;*

*(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;*

*(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;*

*(e) "Hearing board" means the shoreline hearings board established by this chapter.*

*(2) Geographical:*



(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated (~~wetlands~~) shorelands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta—from DeWolf Bight to Tatsolo Point,

(B) Birch Bay—from Point Whitehorn to Birch Point,

(C) Hood Canal—from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area—from Brown Point to Yokeko Point,  
and

(E) Padilla Bay—from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those (~~wetlands~~) shorelands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "~~(Wetlands)~~ Shorelands" or "~~(wetland)~~ shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all (~~marshes, bogs, swamps,~~) wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology(~~(= PROVIDED, That)~~). Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state;

(h) "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. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to

adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on ((wetlands)) shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels(~~(+ PROVIDED, That)~~). A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the ((wetlands)) shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on ((wetlands)) shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above

average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences, the cost of which does not exceed two thousand five hundred dollars;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system(†

~~(xi) Any action commenced prior to December 31, 1982, pertaining to (A) the restoration of interim transportation services as may be necessary as a consequence of the destruction of the Hood Canal bridge, including, but not limited to, improvements to highways, development of park and ride facilities, and development of ferry terminal facilities until a new or reconstructed Hood Canal bridge is open to traffic; and (B) the reconstruction of a permanent bridge at the site of the original Hood Canal bridge).~~

\*Sec. 302 was vetoed. See message at end of chapter.

Sec. 303. RCW 90.58.050 and 1971 ex.s. c 286 s 5 are each amended to read as follows:

This chapter establishes a cooperative program of shoreline management between local government and the state. Local government shall have the primary responsibility for initiating the planning required by this chapter and administering the regulatory program consistent with the policy and provisions of this chapter. The department shall act primarily in a supportive and review capacity with ~~((primary))~~ an emphasis on providing assistance to local government and on insuring compliance with the policy and provisions of this chapter.

Sec. 304. RCW 90.58.060 and 1971 ex.s. c 286 s 6 are each amended to read as follows:

(1) ~~((Within one hundred twenty days from June 1, 1971,))~~ The department shall ~~((submit to local governments proposed))~~ periodically review and adopt guidelines consistent with RCW 90.58.020, containing the elements specified in RCW 90.58.100 for:

(a) Development of master programs for regulation of the uses of shorelines; and

(b) Development of master programs for regulation of the uses of shorelines of state-wide significance.

(2) Before adopting or amending guidelines under this section, the department shall provide an opportunity for public review and comment as follows:

(a) The department shall mail copies of the proposal to all cities, counties, and federally recognized Indian tribes, and to any other person who has requested a copy, and shall publish the proposed guidelines in the Washington state register. Comments shall be submitted in writing to the department within sixty days from ((receipt of such proposed guidelines, local governments shall submit to the department in writing proposed changes, if any, and comments upon the proposed guidelines.

(3) Thereafter and within one hundred twenty days from the submission of such proposed guidelines to local governments, the department, after review and consideration of the comments and suggestions submitted to it, shall resubmit final proposed guidelines.

(4) Within sixty days thereafter public hearings shall be held by)) the date the proposal has been published in the register.

(b) The department ((in Olympia and Spokane, at which interested public and private parties shall have the opportunity)) shall hold at least four public hearings on the proposal in different locations throughout the state to provide a reasonable opportunity for residents in all parts of the state to present statements and views on the proposed guidelines. Notice of ((such)) the hearings shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in each county of the state. If an amendment to the guidelines addresses an issue limited to one geographic area, the number and location of hearings may be adjusted consistent with the intent of this subsection to assure all parties a reasonable opportunity to comment on the proposed amendment. The department shall accept written comments on the proposal during the sixty-day public comment period and for seven days after the final public hearing.

(c) At the conclusion of the public comment period, the department shall review the comments received and modify the proposal consistent with the provisions of this chapter. The proposal shall then be published for adoption pursuant to the provisions of chapter 34.05 RCW.

((5) Within ninety days following such public hearings, the department at a public hearing to be held in Olympia shall adopt guidelines.)) (3) The department may propose amendments to the guidelines not more than once each year. At least once every five years the department shall conduct a review of the guidelines pursuant to the procedures outlined in subsection (2) of this section.

Sec. 305. RCW 90.58.080 and 1974 ex.s. c 61 s 1 are each amended to read as follows:

Local governments ((are directed with regard to shorelines of the state within their various jurisdictions as follows:

~~(1) To complete within eighteen months after June 1, 1971, a comprehensive inventory of such shorelines. Such inventory shall include but not be limited to the general ownership patterns of the lands located therein in terms of public and private ownership, a survey of the general natural characteristics thereof, present uses conducted therein and initial projected uses thereof;~~

~~(2) To~~ shall develop or amend, within twenty-four months after the adoption of guidelines as provided in RCW 90.58.060, a master program for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines adopted by the department.

Sec. 306. RCW 90.58.090 and 1971 ex.s. c 286 s 9 are each amended to read as follows:

(1) A master program((s or segments thereof)), segment of a master program, or an amendment to a master program shall become effective when ((adopted or)) approved by the department ((as appropriate)). Within the time period provided in RCW 90.58.080, each local government shall have submitted a master program, either totally or by segments, for all shorelines of the state within its jurisdiction to the department for review and approval.

(2) Upon receipt of a proposed master program or amendment, the department shall:

(a) Provide notice to and opportunity for written comment by all interested parties of record as a part of the local government review process for the proposal and to all persons, groups, and agencies that have requested in writing notice of proposed master programs or amendments generally or for a specific area, subject matter, or issue. The comment period shall be at least thirty days, unless the department determines that the level of complexity or controversy involved supports a shorter period;

(b) In the department's discretion, conduct a public hearing during the thirty-day comment period in the jurisdiction proposing the master program or amendment;

(c) Within fifteen days after the close of public comment, request the local government to review the issues identified by the public, interested parties, groups, and agencies and provide a written response as to how the proposal addresses the identified issues;

(d) Within thirty days after receipt of the local government response pursuant to (c) of this subsection, make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 90.58.020 and the applicable guidelines, provide a response to the issues identified in (c) of this subsection, and either approve the proposal as submitted, recommend specific changes necessary to make the proposal approvable, or deny approval of the proposal in those instances where no alteration of the proposal appears likely to be consistent with the policy of RCW 90.58.020 and the applicable guidelines. The written findings and conclusions shall be provided to the local government, all interested persons, parties, groups, and agencies of record on the proposal;

(e) If the department recommends changes to the proposed master program or amendment, within thirty days after the department mails the written findings and conclusions to the local government, the local government may:

(i) Agree to the proposed changes. The receipt by the department of the written notice of agreement constitutes final action by the department approving the amendment; or

(ii) Submit an alternative proposal. If, in the opinion of the department, the alternative is consistent with the purpose and intent of the changes originally submitted by the department and with this chapter it shall approve the changes and provide written notice to all recipients of the written findings and conclusions. If the department determines the proposal is not consistent with the purpose and intent of the changes proposed by the department, the department may resubmit the proposal for public and agency review pursuant to this section or reject the proposal.

~~((1) As to those segments of the master program relating to shorelines, they shall be approved by))~~

~~(3) The department shall approve the segment of a master program relating to shorelines unless it determines that the submitted segments are not consistent with the policy of RCW 90.58.020 and the applicable guidelines. ((If approval is denied, the department shall state within ninety days from the date of submission in detail the precise facts upon which that decision is based, and shall submit to the local government suggested modifications to the program to make it consistent with said policy and guidelines. The local government shall have ninety days after it receives recommendations from the department to make modifications designed to eliminate the inconsistencies and to resubmit the program to the department for approval. Any resubmitted program shall take effect when and in such form and content as is approved by the department.~~

~~(2) As to)) (4) The department shall approve those segments of the master program relating to shorelines of state-wide significance ((the department shall have full authority following review and evaluation of the submission by local government to develop and adopt an alternative to the local government's proposal if in the department's opinion the program submitted does not)) only after determining the program provides the optimum implementation of the policy of this chapter to satisfy the state-wide interest. ((If the submission by local government is not approved, the department shall suggest modifications to the local government within ninety days from receipt of the submission. The local government shall have ninety days after it receives said modifications to consider the same and resubmit a master program to the department. Thereafter, the department shall adopt the resubmitted program or, if the department determines that said program does not provide for optimum implementation, it may develop and adopt an alternative as hereinbefore provided.)) If the department does not approve a segment of a local government master program relating to a shoreline of state-wide significance, the department may develop and by rule adopt an alternative to the local government's proposal.~~

~~((3))~~ (5) In the event a local government has not complied with the requirements of RCW 90.58.070 it may thereafter upon written notice to the department elect to adopt a master program for the shorelines within its jurisdiction, in which event it shall comply with the provisions established by this chapter for the adoption of a master program for such shorelines.

Upon approval of such master program by the department it shall supersede such master program as may have been adopted by the department for such shorelines.

(6) A master program or amendment to a master program takes effect when and in such form as approved or adopted by the department. The department shall maintain a record of each master program, the action taken on any proposal for adoption or amendment of the master program, and any appeal of the department's action. The department's approved document of record constitutes the official master program.

Sec. 307. RCW 90.58.100 and 1992 c 105 s 2 are each amended to read as follows:

(1) The master programs provided for in this chapter, when adopted ~~((and))~~ or approved by the department ~~((as appropriate))~~ shall constitute use regulations for the various shorelines of the state. In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:

(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

(2) The master programs shall include, when appropriate, the following:

(a) An economic development element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;



(b) A public access element making provision for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;

(h) An element that gives consideration to the state-wide interest in the prevention and minimization of flood damages; and

(i) Any other element deemed appropriate or necessary to effectuate the policy of this chapter.

(3) The master programs shall include such map or maps, descriptive text, diagrams and charts, or other descriptive material as are necessary to provide for ease of understanding.

(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same.

(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140(3).

(6) Each master program shall contain standards governing the protection of single family residences and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and nonstructural methods of protection. The

standards shall provide for methods which achieve effective and timely protection against loss or damage to single family residences and appurtenant structures due to shoreline erosion. The standards shall provide a preference for permit issuance for measures to protect single family residences occupied prior to January 1, 1992, where the proposed measure is designed to minimize harm to the shoreline natural environment.

**Sec. 308.** RCW 90.58.120 and 1989 c 175 s 182 are each amended to read as follows:

All rules, regulations, (~~master programs,~~) designations, and guidelines, issued by the department, and master programs and amendments adopted by the department pursuant to RCW 90.58.070(2) or 90.58.090(4) shall be adopted or approved in accordance with the provisions of RCW 34.05.310 through 34.05.395 insofar as such provisions are not inconsistent with the provisions of this chapter. In addition:

(1) Prior to the (~~approval or~~) adoption by the department of a master program, or portion thereof pursuant to RCW 90.58.070(2) or 90.58.090(4), at least one public hearing shall be held in each county affected by a program or portion thereof for the purpose of obtaining the views and comments of the public. Notice of each such hearing shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in the county in which the hearing is to be held.

(2) All guidelines, regulations, designations, or master programs adopted or approved under this chapter shall be available for public inspection at the office of the department or the appropriate county (~~auditor~~) and city (~~clerk~~). The terms "adopt" and "approve" for purposes of this section, shall include modifications and rescission of guidelines.

**Sec. 309.** RCW 90.58.140 and 1992 c 105 s 3 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))~~ this 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 ~~((43))~~ (11) 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))~~ the application is given by at least one of the following methods:

~~((i))~~ (a) 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))~~ (b) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed; or

~~((iii))~~ (c) 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))~~ notification of the final ~~((order))~~ decision concerning an application as expeditiously as possible after the issuance of the ~~((order))~~ decision, may submit the comments or requests for ~~((orders))~~ decisions 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 decision, a copy of the ~~((order))~~ decision to each person who submits a request for the ~~((order))~~ decision.

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))~~ twenty-one days from the date the ~~((final order))~~ permit decision was filed as provided in subsection (6) of this section; or until all review proceedings are terminated if the proceedings were initiated within ~~((thirty))~~ twenty-one 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) Construction may be commenced no sooner than thirty days after the date of the appeal of the board's decision is filed 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))~~ twenty-one 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))~~. The appellant 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 should not commence. 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))~~ shall prohibit the permittee ~~((to begin))~~ from commencing 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))~~ until all review proceedings are final. 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 ~~((43))~~ (11) of this section, construction pursuant to that permit may not begin or be authorized until ~~((thirty))~~ twenty-one days from the date the ~~((final order))~~ permit decision was filed as provided in subsection (6) of this section.

If a permittee begins construction pursuant to subsections (a), (b), or (c)~~(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))~~ decision 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 ~~((42))~~ (10) 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 ~~((42))~~ (10) 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))~~ (11)(a) An application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single family residence and its appurtenant structures from shoreline erosion 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;

(ii) Will serve an existing use in compliance with this chapter; and

(iii) Will not extend more than twenty-five hundred linear feet within the shorelines of the state.

**Sec. 310.** RCW 90.58.180 and 1994 c 253 s 3 are each amended to read as follows:

(1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a ~~((request for the same))~~ petition for review within ~~((thirty))~~ twenty-one days of the date of filing as defined in RCW 90.58.140(6).

~~((Concurrently with))~~ Within seven days of the filing of any ((request)) petition for review with the board as provided in this section pertaining to a final ((order)) decision of a local government, the ((requestor)) petitioner shall ((file a copy)) serve copies of ((his or her request with)) the petition on the department and the office of the attorney general. ((If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after

~~its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor. The failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor.))~~ The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the ~~((request))~~ petition for review filed pursuant to this section. The shorelines hearings board shall ~~((initially))~~ schedule review proceedings on ~~((such requests))~~ the petition for review without regard as to whether ~~((such requests have or have not been certified or as to whether))~~ the period for the department or the attorney general to intervene has or has not expired~~((, unless such review is to begin within thirty days of such scheduling. If at the end of the thirty day period for certification neither the department nor the attorney general has certified a request for review, the hearings board shall remove the request from its review schedule))~~.

(2) The department or the attorney general may obtain review of any final ~~((order))~~ decision granting a permit, or granting or denying an application for a permit issued by a local government by filing a written ~~((request))~~ petition with the shorelines hearings board and the appropriate local government within ~~((thirty))~~ twenty-one days from the date the final ~~((order))~~ decision was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board is governed by chapter 34.05 RCW. The board shall issue its decision on the appeal authorized under subsections (1) and (2) of this section within one hundred eighty days after the date the petition is filed with the board or a petition to intervene is filed by the department or the attorney general, whichever is later. The time period may be extended by the board for a period of thirty days upon a showing of good cause or may be waived by the parties.

~~((A local government may appeal to the shorelines hearings board))~~ Any person may appeal any rules, regulations, or guidelines adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

~~((If the board))~~ (5) The board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect unless it determines that the rule, regulation, or guideline:

- (a) Is clearly erroneous in light of the policy of this chapter; or
- (b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or
- (c) Is arbitrary and capricious; or

(d) Was developed without fully considering and evaluating all material submitted to the department (~~(by the local government)~~) during public review and comment; or

(e) Was not adopted in accordance with required procedures~~(+)~~.

(6) If the board makes a determination under subsection (5) (a) through (e) of this section, it shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government and any other interested party, a new rule, regulation, or guideline consistent with the board's decision. (~~Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect.~~

~~(5) Rules, regulations, and guidelines)~~ (7) A decision of the board on the validity of a rule, regulation, or guideline shall be subject to review in superior court, if authorized pursuant to ((RCW 34.05.570(2). No review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection (4) of this section and the petition for court review is)) chapter 34.05 RCW. A petition for review of the decision of the shorelines hearings board on a rule, regulation, or guideline shall be filed within ((three months)) thirty days after the date of final decision by the shorelines hearings board.

**Sec. 311.** RCW 90.58.190 and 1989 c 175 s 184 are each amended to read as follows:

~~(1) ((The department and each local government shall periodically review any master programs under its jurisdiction and make such adjustments thereto as are necessary. Any adjustments proposed by a local government to its master program shall be forwarded to the department for review. The department shall approve, reject, or propose modification to the adjustment. If the department either rejects or proposes modification to the master program adjustment, it shall provide substantive written comments as to why the proposal is being rejected or modified.)) The appeal of the department's decision to adopt a master program or amendment pursuant to RCW 90.58.070(2) or 90.58.090(4) is governed by RCW 34.05.510 through 34.05.598.~~

(2)(a) The department's decision to approve, reject, or modify a proposed master program or amendment adopted by a local government planning under RCW 36.70A.040 shall be appealed to the growth management hearings board with jurisdiction over the local government. The appeal shall be initiated by filing a petition as provided in RCW 36.70A.250 through 36.70A.320.

(b) If the appeal to the growth management hearings board concerns shorelines, the growth management hearings board shall review the proposed master program or amendment for compliance with the requirements of this chapter and chapter 36.70A RCW, the policy of RCW 90.58.020 and the



applicable guidelines, and chapter 43.21C RCW as it relates to the adoption of master programs and amendments under chapter 90.58 RCW.

(c) If the appeal to the growth management hearings board concerns a shoreline of state-wide significance, the board shall uphold the decision by the department unless the board, by clear and convincing evidence, determines that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) The appellant has the burden of proof in all appeals to the growth management hearings board under this subsection.

(e) Any party aggrieved by a final decision of a growth management hearings board under this subsection may appeal the decision to superior court as provided in RCW 36.70A.300.

~~((Any local government aggrieved by))~~ (3)(a) The department's decision to approve, reject, or modify a proposed master program or master program ((adjustment may appeal the department's decision)) amendment by a local government not planning under RCW 36.70A.040 shall be appealed to the shorelines hearings board by filing a petition within thirty days of the date of the department's written notice to the local government of the department's decision to approve, reject, or modify a proposed master program or master program amendment as provided in RCW 90.58.090(2).

(b) In an appeal relating to shorelines, the shorelines hearings board shall review the proposed master program or master program ((adjustment)) amendment and, after full consideration of the presentations of the local government and the department, shall determine the validity of the local government's ((adjustment)) master program or amendment in light of the policy of RCW 90.58.020 and the applicable guidelines.

(c) In an appeal relating to shorelines of state-wide significance, the shorelines hearings board shall uphold the decision by the department unless ((a local government shall)) the board determines, by clear and convincing evidence ((and argument, persuade the board)) that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) Review by the shorelines hearings board shall be considered an adjudicative proceeding under chapter 34.05 RCW, the Administrative Procedure Act. The aggrieved local government shall have the burden of proof in all such reviews.

(e) Whenever possible, the review by the shorelines hearings board shall be heard within the county where the land subject to the proposed master program or master program ((adjustment)) amendment is primarily located. The department and any local government aggrieved by a final decision of the hearings board may appeal the decision to ((the)) superior court ((of Thurston county)) as provided in chapter 34.05 RCW.

~~((3))~~ (4) A master program amendment shall become effective after the approval of the department or after the decision of the shorelines hearings board to uphold the master program or master program ((adjustment)) amendment,

provided that the board may remand the master program or master program adjustment to the local government or the department for modification prior to the final adoption of the master program or master program (~~adjustment~~) amendment.

**Sec. 312.** RCW 34.05.461 and 1989 c 175 s 19 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section:

(a) If the presiding officer is the agency head or one or more members of the agency head, the presiding officer may enter an initial order if further review is available within the agency, or a final order if further review is not available;

(b) If the presiding officer is a person designated by the agency to make the final decision and enter the final order, the presiding officer shall enter a final order; and

(c) If the presiding officer is one or more administrative law judges, the presiding officer shall enter an initial order.

(2) With respect to agencies exempt from chapter 34.12 RCW or an institution of higher education, the presiding officer shall transmit a full and complete record of the proceedings, including such comments upon demeanor of witnesses as the presiding officer deems relevant, to each agency official who is to enter a final or initial order after considering the record and evidence so transmitted.

(3) Initial and final orders shall include a statement of findings and conclusions, and the reasons and basis therefor, on all the material issues of fact, law, or discretion presented on the record, including the remedy or sanction and, if applicable, the action taken on a petition for a stay of effectiveness. Any findings based substantially on credibility of evidence or demeanor of witnesses shall be so identified. Findings set forth in language that is essentially a repetition or paraphrase of the relevant provision of law shall be accompanied by a concise and explicit statement of the underlying evidence of record to support the findings. The order shall also include a statement of the available procedures and time limits for seeking reconsideration or other administrative relief. An initial order shall include a statement of any circumstances under which the initial order, without further notice, may become a final order.

(4) Findings of fact shall be based exclusively on the evidence of record in the adjudicative proceeding and on matters officially noticed in that proceeding. Findings shall be based on the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Findings may be based on such evidence even if it would be inadmissible in a civil trial. However, the presiding officer shall not base a finding exclusively on such inadmissible evidence unless the presiding officer determines that doing so would not unduly abridge the parties' opportunities to confront witnesses and rebut evidence. The basis for this determination shall appear in the order.

(5) Where it bears on the issues presented, the agency's experience, technical competency, and specialized knowledge may be used in the evaluation of evidence.

(6) If a person serving or designated to serve as presiding officer becomes unavailable for any reason before entry of the order, a substitute presiding officer shall be appointed as provided in RCW 34.05.425. The substitute presiding officer shall use any existing record and may conduct any further proceedings appropriate in the interests of justice.

(7) The presiding officer may allow the parties a designated time after conclusion of the hearing for the submission of memos, briefs, or proposed findings.

(8)(a) Except as otherwise provided in (b) of this subsection, initial or final orders shall be served in writing within ninety days after conclusion of the hearing or after submission of memos, briefs, or proposed findings in accordance with subsection (7) of this section unless this period is waived or extended for good cause shown.

(b) This subsection does not apply to the final order of the shorelines hearings board on appeal under RCW 90.58.180(3).

(9) The presiding officer shall cause copies of the order to be served on each party and the agency.

NEW SECTION. Sec. 313. RCW 90.58.145 and 1979 ex.s. c 84 s 4 are each repealed.

#### **PART IV - LOCAL PERMIT PROCESS**

NEW SECTION. Sec. 401. The legislature finds and declares the following:

(1) As the number of environmental laws and development regulations has increased for land uses and development, so has the number of required local land use permits, each with its own separate approval process.

(2) The increasing number of local and state land use permits and separate environmental review processes required by agencies has generated continuing potential for conflict, overlap, and duplication between the various permit and review processes.

(3) This regulatory burden has significantly added to the cost and time needed to obtain local and state land use permits and has made it difficult for the public to know how and when to provide timely comments on land use proposals that require multiple permits and have separate environmental review processes.

NEW SECTION. Sec. 402. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Closed record appeal" means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

(2) "Local government" means a county, city, or town.

(3) "Open record hearing" means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. An open record hearing may be held prior to a local government's decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.

(4) "Project permit" or "project permit application" means any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

(5) "Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

**NEW SECTION. Sec. 403.** In enacting sections 404 and 405 of this act, the legislature intends to establish a mechanism for implementing the provisions of chapter 36.70A RCW regarding compliance, conformity, and consistency of proposed projects with adopted comprehensive plans and development regulations. In order to achieve this purpose the legislature finds that:

(1) Given the extensive investment that public agencies and a broad spectrum of the public are making and will continue to make in comprehensive plans and development regulations for their communities, it is essential that project review start from the fundamental land use planning choices made in these plans and regulations. If the applicable regulations or plans identify the type of land use, specify residential density in urban growth areas, and identify and provide for funding of public facilities needed to serve the proposed development and site, these decisions at a minimum provide the foundation for further project review unless there is a question of code interpretation. The project review process, including the environmental review process under chapter 43.21C RCW and the consideration of consistency, should start from this point

and should not reanalyze these land use planning decisions in making a permit decision.

(2) Comprehensive plans and development regulations adopted by local governments under chapter 36.70A RCW and environmental laws and rules adopted by the state and federal government have addressed a wide range of environmental subjects and impacts. These provisions typically require environmental studies and contain specific standards to address various impacts associated with a proposed development, such as building size and location, drainage, transportation requirements, and protection of critical areas. When a permitting agency applies these existing requirements to a proposed project, some or all of a project's potential environmental impacts will be avoided or otherwise mitigated. Through the integrated project review process described in subsection (1) of this section, the local government will determine whether existing requirements, including the applicable regulations or plans, adequately analyze and address a project's environmental impacts. Section 202 of this act provides that project review should not require additional studies or mitigation under chapter 43.21C RCW where existing regulations have adequately addressed a proposed project's probable specific adverse environmental impacts.

(3) Given the hundreds of jurisdictions and agencies in the state and the numerous communities and applicants affected by development regulations and comprehensive plans adopted under chapter 36.70A RCW, it is essential to establish a uniform framework for considering the consistency of a proposed project with the applicable regulations or plan. Consistency should be determined in the project review process by considering four factors found in applicable regulations or plans: The type of land use allowed; the level of development allowed, such as units per acre or other measures of density; infrastructure, such as the adequacy of public facilities and services to serve the proposed project; and the character of the proposed development, such as compliance with specific development standards. This uniform approach corresponds to existing project review practices and will not place a burden on applicants or local government. The legislature intends that this approach should be largely a matter of checking compliance with existing requirements for most projects, which are simple or routine, while more complex projects may require more analysis. Sections 202 and 404 of this act establish this uniform framework and also direct state agencies to consult with local government and the public to develop a better format than the current environmental checklist to meet this objective.

(4) When an applicant applies for a project permit, consistency between the proposed project and applicable regulations or plan should be determined through a project review process that integrates land use and environmental impact analysis, so that governmental and public review of the proposed project as required by this chapter, by development regulations under chapter 36.70A RCW, and by the environmental process under chapter 43.21C RCW run concurrently and not separately.

(5) Sections 404 and 405 of this act address three related needs with respect to how the project review process should address consistency between a proposed project and the applicable regulations or plan:

(a) A uniform framework for the meaning of consistency;

(b) An emphasis on relying on existing requirements and adopted standards, with the use of supplemental authority as specified by chapter 43.21C RCW to the extent that existing requirements do not adequately address a project's specific probable adverse environmental impacts; and

(c) The identification of three basic land use planning choices made in applicable regulations or plans that, at a minimum, serve as a foundation for project review and that should not be reanalyzed during project permitting.

**NEW SECTION.** **Sec. 404.** (1) Fundamental land use planning choices made in adopted comprehensive plans and development regulations shall serve as the foundation for project review. The review of a proposed project's consistency with applicable development regulations, or in the absence of applicable regulations the adopted comprehensive plan, under section 405 of this act shall incorporate the determinations under this section.

(2) During project review, a local government or any subsequent reviewing body shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project or, in the absence of applicable regulations the adopted comprehensive plan. At a minimum, such applicable regulations or plans shall be determinative of the:

(a) Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned unit developments and conditional and special uses, if the criteria for their approval have been satisfied;

(b) Density of residential development in urban growth areas; and

(c) Availability and adequacy of public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by chapter 36.70A RCW.

(3) During project review, the local government or any subsequent reviewing body shall not reexamine alternatives to or hear appeals on the items identified in subsection (2) of this section, except for issues of code interpretation. As part of its project review process, a local government shall provide a procedure for obtaining a code interpretation as provided in section 415 of this act.

(4) Pursuant to section 202 of this act, a local government may determine that the requirements for environmental analysis and mitigation measures in development regulations and other applicable laws provide adequate mitigation for some or all of the project's specific adverse environmental impacts to which the requirements apply.

(5) Nothing in this section limits the authority of a permitting agency to approve, condition, or deny a project as provided in its development regulations adopted under chapter 36.70A RCW and in its policies adopted under RCW 43.21C.060. Project review shall be used to identify specific project design and conditions relating to the character of development, such as the details of site

plans, curb cuts, drainage swales, transportation demand management, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts, if applicable.

(6) Subsections (1) through (4) of this section apply only to local governments planning under RCW 36.70A.040.

**NEW SECTION.** Sec. 405. (1) A proposed project's consistency with a local government's development regulations adopted under chapter 36.70A RCW, or, in the absence of applicable development regulations, the appropriate elements of the comprehensive plan or subarea plan adopted under chapter 36.70A RCW shall be determined by consideration of:

- (a) The type of land use;
- (b) The level of development, such as units per acre or other measures of density;
- (c) Infrastructure, including public facilities and services needed to serve the development; and
- (d) The character of the development, such as development standards.

(2) In determining consistency, the determinations made pursuant to section 404(2) of this act shall be controlling.

(3) For purposes of this section, the term "consistency" shall include all terms used in this chapter and chapter 36.70A RCW to refer to performance in accordance with this chapter and chapter 36.70A RCW, including but not limited to compliance, conformity, and consistency.

(4) Nothing in this section requires documentation, dictates an agency's procedures for considering consistency, or limits a unit of government from asking more specific or related questions with respect to any of the four main categories listed in subsection (1) (a) through (d) of this section.

**NEW SECTION.** Sec. 406. Not later than March 31, 1996, each local government shall provide by ordinance or resolution for review of project permit applications to achieve the following objectives:

(1) Combine the environmental review process, both procedural and substantive, with the procedure for review of project permits; and

(2) Except for the appeal of a determination of significance as provided in RCW 43.21C.075, provide for no more than one open record hearing and one closed record appeal.

**NEW SECTION.** Sec. 407. Not later than March 31, 1996, each local government planning under RCW 36.70A.040 shall establish by ordinance or resolution an integrated and consolidated project permit process that may be included in its development regulations. In addition to the elements required by section 406 of this act, the process shall include the following elements:

(1) A determination of completeness to the applicant as required by RCW 36.70A.440 (as recodified by this act);

(2) A notice of application to the public and agencies with jurisdiction as required by section 415 of this act;

(3) Except as provided in section 418 of this act, an optional consolidated project permit review process as provided in section 416 of this act. The review process shall provide for no more than one consolidated open record hearing and one closed record appeal. If an open record predecision hearing is provided prior to the decision on a project permit, the process shall not allow a subsequent open record appeal hearing;

(4) Provision allowing for any public meeting or required open record hearing to be combined with any public meeting or open record hearing that may be held on the project by another local, state, regional, federal, or other agency, in accordance with provisions of sections 413 and 415 of this act;

(5) A single report stating all the decisions made as of the date of the report on all project permits included in the consolidated permit process that do not require an open record predecision hearing and any recommendations on project permits that do not require an open record predecision hearing. The report shall state any mitigation required or proposed under the development regulations or the agency's authority under RCW 43.21C.060. The report may be the local permit. If a threshold determination other than a determination of significance has not been issued previously by the local government, the report shall include or append this determination.

(6) Except for the appeal of a determination of significance as provided in RCW 43.21C.075, if a local government elects to provide an appeal of its threshold determinations or project permit decisions, the local government shall provide for no more than one consolidated open record hearing on such appeal. The local government need not provide for any further appeal and may provide an appeal for some but not all project permit decisions. If an appeal is provided after the open record hearing, it shall be a closed record appeal before a single decision-making body or officer;

(7) A notice of decision as required by section 417 of this act and issued within the time period provided in RCW 36.70A.065 (as recodified by this act) and section 413 of this act;

(8) Completion of project review by the local government, including environmental review and public review and any appeals to the local government, within any applicable time periods under section 413 of this act; and

(9) Any other provisions not inconsistent with the requirements of this chapter or chapter 43.21C RCW.

Sec. 408. RCW 36.70A.440 and 1994 c 257 s 4 are each amended to read as follows:

~~((Each city and county))~~ (1) Within twenty-eight days after receiving a project permit application, a local government planning pursuant to RCW 36.70A.040 shall ~~((, within twenty working days of receiving a development permit application as defined in RCW 36.70A.030(7),))~~ mail or provide in person a written ~~((notice))~~ determination to the applicant, stating either:

(a) That the application is complete; or



(b) That the application is incomplete and what is necessary to make the application complete.

To the extent known by the ~~((city or county))~~ local government, the ~~((notice))~~ local government shall identify other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application.

(2) A project permit application is complete for purposes of this section when it meets the procedural submission requirements of the local government and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the local government from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.

(3) The determination of completeness may include the following as optional information:

(a) A preliminary determination of those development regulations that will be used for project mitigation;

(b) A preliminary determination of consistency, as provided under section 405 of this act; or

(c) Other information the local government chooses to include.

(4)(a) An application shall be deemed complete under this section if the local government does not provide a written determination to the applicant that the application is incomplete as provided in subsection (1)(b) of this section.

(b) Within fourteen days after an applicant has submitted to a local government additional information identified by the local government as being necessary for a complete application, the local government shall notify the applicant whether the application is complete or what additional information is necessary.

**Sec. 409.** RCW 36.70A.065 and 1994 c 257 s 3 are each amended to read as follows:

Development regulations adopted pursuant to RCW 36.70A.040 shall establish time periods consistent with section 413 of this act for local government actions on specific ~~((development))~~ project permit applications and provide timely and predictable procedures to determine whether a completed ~~((development))~~ project permit application meets the requirements of those development regulations. Such development regulations shall specify the contents of a completed ~~((development))~~ project permit application necessary for the application of such time periods and procedures.

**Sec. 410.** RCW 36.70A.065 and 1994 c 257 s 3 are each amended to read as follows:

Development regulations adopted pursuant to RCW 36.70A.040 shall establish time periods for local government actions on specific ~~((development))~~ project permit applications and provide timely and predictable procedures to

determine whether a completed (~~(development)~~) project permit application meets the requirements of those development regulations. Such development regulations shall specify the contents of a completed (~~(development)~~) project permit application necessary for the application of such time periods and procedures.

NEW SECTION. **Sec. 411.** The amendments to RCW 36.70A.065 contained in section 409 of this act shall expire July 1, 1998.

NEW SECTION. **Sec. 412.** Section 410 of this act shall take effect July 1, 1998.

NEW SECTION. **Sec. 413.** (1) Except as otherwise provided in subsection (2) of this section, a local government planning under RCW 36.70A.040 shall issue its notice of final decision on a project permit application within one hundred twenty days after the local government notifies the applicant that the application is complete, as provided in RCW 36.70A.440 (as recodified by this act). In determining the number of days that have elapsed after the local government has notified the applicant that the application is complete, the following periods shall be excluded:

(a)(i) Any period during which the applicant has been requested by the local government to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the local government notifies the applicant of the need for additional information until the earlier of the date the local government determines whether the additional information satisfies the request for information or fourteen days after the date the information has been provided to the local government.

(ii) If the local government determines that the information submitted by the applicant under (a)(i) of this subsection is insufficient, it shall notify the applicant of the deficiencies and the procedures under (a)(i) of this subsection shall apply as if a new request for studies had been made;

(b) Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to chapter 43.21C RCW, if the local government by ordinance or resolution has established time periods for completion of environmental impact statements, or if the local government and the applicant in writing agree to a time period for completion of an environmental impact statement;

(c) Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed. The local government by ordinance or resolution shall establish a time period to consider and decide such appeals. The time period shall not exceed: (i) Ninety days for an open record appeal hearing; and (ii) sixty days for a closed record appeal. The parties to an appeal may agree to extend these time periods; and

(d) Any extension of time mutually agreed upon by the applicant and the local government.

(2) The time limits established by subsection (1) of this section do not apply if a project permit application:

(a) Requires an amendment to the comprehensive plan or a development regulation;

(b) Requires approval of a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200; or

(c) Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under RCW 36.70A.440 (as recodified by this act).

(3) If the local government is unable to issue its final decision within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

(4) This section shall apply to project permit applications filed on or after April 1, 1996.

**NEW SECTION. Sec. 414.** A local government may require the applicant for a project permit to designate a single person or entity to receive determinations and notices required by this chapter.

**NEW SECTION. Sec. 415.** (1) Not later than April 1, 1996, a local government planning under RCW 36.70A.040 shall provide a notice of application to the public and the departments and agencies with jurisdiction as provided in this section. If a local government has made a determination of significance under chapter 43.21C RCW concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application.

(2) The notice of application shall be provided within fourteen days after the determination of completeness as provided in RCW 36.70A.440 (as recodified by this act) and include the following in whatever sequence or format the local government deems appropriate:

(a) The date of application, the date of the notice of completion for the application, and the date of the notice of application;

(b) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70A.440 (as recodified by this act) or section 413 of this act;

(c) The identification of other permits not included in the application to the extent known by the local government;

(d) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the

notice of application, such as a city land use bulletin, the location where the application and any studies can be reviewed;

(e) A statement of the public comment period, which shall be not less than fourteen nor more than thirty days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. A local government may accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;

(f) The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;

(g) A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency as provided in section 405 of this act; and

(h) Any other information determined appropriate by the local government.

(3) If an open record predecision hearing is required for the requested project permits, the notice of application shall be provided at least fifteen days prior to the open record hearing.

(4) A local government shall use reasonable methods to give the notice of application to the public and agencies with jurisdiction and may use its existing notice procedures. A local government may use different types of notice for different categories of project permits or types of project actions. If a local government by resolution or ordinance does not specify its method of public notice, the local government shall use the methods provided for in (a) and (b) of this subsection. Examples of reasonable methods to inform the public are:

(a) Posting the property for site-specific proposals;

(b) Publishing notice, including at least the project location, description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed, in the newspaper of general circulation in the general area where the proposal is located or in a local land use newsletter published by the local government;

(c) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;

(d) Notifying the news media;

(e) Placing notices in appropriate regional or neighborhood newspapers or trade journals;

(f) Publishing notice in agency newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject areas; and

(g) Mailing to neighboring property owners.

(5) A notice of application shall not be required for project permits that are categorically exempt under chapter 43.21C RCW, unless a public comment period or an open record predecision hearing is required.

(6) A local government shall integrate the permit procedures in this section with environmental review under chapter 43.21C RCW as follows:

(a) Except for a determination of significance, the local government may not issue its threshold determination, or issue a decision or a recommendation on a project permit until the expiration of the public comment period on the notice of application.

(b) If an open record predecision hearing is required and the local government's threshold determination requires public notice under chapter 43.21C RCW, the local government shall issue its threshold determination at least fifteen days prior to the open record predecision hearing.

(c) Comments shall be as specific as possible.

(7) A local government may combine any hearing on a project permit with any hearing that may be held by another local, state, regional, federal, or other agency provided that the hearing is held within the geographic boundary of the local government. Hearings shall be combined if requested by an applicant, as long as the joint hearing can be held within the time periods specified in section 413 of this act or the applicant agrees to the schedule in the event that additional time is needed in order to combine the hearings. All agencies of the state of Washington, including municipal corporations and counties participating in a combined hearing, are hereby authorized to issue joint hearing notices and develop a joint format, select a mutually acceptable hearing body or officer, and take such other actions as may be necessary to hold joint hearings consistent with each of their respective statutory obligations.

(8) All state and local agencies shall cooperate to the fullest extent possible with the local government in holding a joint hearing if requested to do so, as long as:

(a) The agency is not expressly prohibited by statute from doing so;

(b) Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and

(c) The agency has received the necessary information about the proposed project from the applicant to hold its hearing at the same time as the local government hearing.

(9) A local government is not required to provide for administrative appeals. If provided, an administrative appeal of the project decision, combined with any environmental determinations, shall be filed within fourteen days after the notice of the decision or after other notice that the decision has been made and is appealable. The local government shall extend the appeal period for an additional seven days, if state or local rules adopted pursuant to chapter 43.21C RCW allow public comment on a determination of nonsignificance issued as part of the appealable project permit decision.

(10) The applicant for a project permit is deemed to be a participant in any comment period, open record hearing, or closed record appeal.

(11) Each local government planning under RCW 36.70A.040 shall adopt procedures for administrative interpretation of its development regulations.

**NEW SECTION. Sec. 416.** (1) Each local government planning under RCW 36.70A.040 shall establish a permit review process that provides for the integrated and consolidated review and decision on two or more project permits relating to a proposed project action, including a single application review and approval process covering all project permits requested by an applicant for all or part of a project action and a designated permit coordinator. If an applicant elects the consolidated permit review process, the determination of completeness, notice of application, and notice of final decision must include all project permits being reviewed through the consolidated permit review process.

(2) Consolidated permit review may provide different procedures for different categories of project permits, but if a project action requires project permits from more than one category, the local government shall provide for consolidated permit review with a single open record hearing and no more than one closed record appeal as provided in section 407 of this act. Each local government shall determine which project permits are subject to an open record hearing and a closed record appeal. Examples of categories of project permits include but are not limited to:

(a) Proposals that are categorically exempt from chapter 43.21C RCW, such as construction permits, that do not require environmental review or public notice;

(b) Permits that require environmental review, but no open record predecision hearing; and

(c) Permits that require a threshold determination and an open record predecision hearing and may provide for a closed record appeal to a hearing body or officer or to the local government legislative body.

(3) A local government may provide by ordinance or resolution for the same or a different decision maker or hearing body or officer for different categories of project permits. In the case of consolidated project permit review, the local government shall specify which decision makers shall make the decision or recommendation, conduct the hearing, or decide the appeal to ensure that consolidated permit review occurs as provided in this section. The consolidated permit review may combine an open record predecision hearing on one or more permits with an open record appeal hearing on other permits. In such cases, the local government by ordinance or resolution shall specify which project permits, if any, shall be subject to a closed record appeal.

**NEW SECTION. Sec. 417.** A local government planning under RCW 36.70A.040 shall provide a notice of decision that also includes a statement of any threshold determination made under chapter 43.21C RCW and the procedures for administrative appeal, if any. The notice of decision may be a copy of the report or decision on the project permit application. The notice shall be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. The local government shall provide for notice of its decision as provided in section 415(4) of this act.

**NEW SECTION. Sec. 418.** (1) A local government by ordinance or resolution may exclude the following project permits from the provisions of RCW 36.70A.440 (as recodified by this act), 36.70A.065 (as recodified by this act), and sections 407, 413, and 415 through 417 of this act: Landmark designations, street vacations, or other approvals relating to the use of public areas or facilities, or other project permits, whether administrative or quasi-judicial, that the local government by ordinance or resolution has determined present special circumstances that warrant a review process different from that provided in RCW 36.70A.440 (as recodified by this act), 36.70A.065 (as recodified by this act), and sections 407, 413, and 415 through 417 of this act.

(2) A local government by ordinance or resolution also may exclude the following project permits from the provisions of sections 407 and 415 through 417 of this act: Lot line or boundary adjustments and building and other construction permits, or similar administrative approvals, categorically exempt from environmental review under chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits.

**NEW SECTION. Sec. 419.** A local government not planning under RCW 36.70A.040 may incorporate some or all of the provisions of sections 407, 413, and 415 through 417 of this act and RCW 36.70A.065 and 36.70A.440 (as recodified by this act) into its procedures for review of project permits or other project actions.

**NEW SECTION. Sec. 420.** (1) Each local government is encouraged to adopt further project review provisions to provide prompt, coordinated review and ensure accountability to applicants and the public, including expedited review for project permit applications for projects that are consistent with adopted development regulations and within the capacity of system-wide infrastructure improvements.

(2) Nothing in this chapter is intended or shall be construed to prevent a local government from requiring a preapplication conference or a public meeting by rule, ordinance, or resolution.

(3) Each local government shall adopt procedures to monitor and enforce permit decisions and conditions.

(4) Nothing in this chapter modifies any independent statutory authority for a government agency to appeal a project permit issued by a local government.

**NEW SECTION. Sec. 421.** A new section is added to chapter 64.40 RCW to read as follows:

A local government is not liable for damages under this chapter due to the local government's failure to make a final decision within the time limits established in section 413 of this act.

**Sec. 422.** RCW 43.21C.033 and 1992 c 208 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the responsible official shall make a threshold determination on a completed application within

ninety days after the application and supporting documentation are complete. The applicant may request an additional thirty days for the threshold determination. The governmental entity responsible for making the threshold determination shall by rule, resolution, or ordinance adopt standards, consistent with rules adopted by the department to implement this chapter, for determining when an application and supporting documentation are complete.

(2) This section shall not apply to a city, town, or county that:

(a) By ordinance adopted prior to April 1, 1992, has adopted procedures to integrate permit and land use decisions with the requirements of this chapter; or

(b) Is planning under RCW 36.70A.040 and is subject to the requirements of section 413 of this act.

**Sec. 423.** RCW 35.63.130 and 1994 c 257 s 8 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city or county may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses, variances, subdivisions, shoreline permits, or any other class of applications for or pertaining to development of land or land use((s which the legislative body believes should be reviewed and decided by a hearing examiner));

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative body shall prescribe procedures to be followed by the hearing examiner.

(2) Each city or county legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. ((Except as provided in subsection (2) of this section,)) The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body((-

(2) The legislative body may specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or); or



(c) Except in the case of a rezone, the decision may be given the effect of a final decision of the legislative body.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's or county's comprehensive plan and the city's or county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

**Sec. 424.** RCW 35A.63.170 and 1994 c 257 s 7 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses, variances, subdivisions, shoreline permits, or any other class of applications for or pertaining to development of land or land use((s which the legislative body believes should be reviewed and decided by a hearing examiner));

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative body shall prescribe procedures to be followed by a hearing examiner. If the legislative authority vests in a hearing examiner the authority to hear and decide variances, then the provisions of RCW 35A.63.110 shall not apply to the city.

(2) Each city legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. ((Except as provided in subsection (2) of this section,)) The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body((-

~~(2) The legislative body shall specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in~~

~~RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or); or~~

(c) Except in the case of a rezone, the decision may be given the effect of a final decision of the legislative body.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's comprehensive plan and the city's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

**Sec. 425.** RCW 36.70.970 and 1994 c 257 s 9 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and issue recommendations on applications for plat approval and applications for amendments to the zoning ordinance, the county legislative authority may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and issue decisions on proposals for plat approval and for amendments to the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative authority may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses ((applications)), variances ((applications)), ((applications for)) shoreline permits, or any other class of applications for or pertaining to development of land or land use((s));

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative authority shall prescribe procedures to be followed by a hearing examiner.

Any county which vests in a hearing examiner the authority to hear and decide conditional uses and variances shall not be required to have a zoning adjuster or board of adjustment.

(2) Each county legislative authority electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. ((Except as provided in subsection (2) of this section.)) Such legal effect may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative authority;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative authority((-

~~(2) The legislative authority may specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or~~

(c) Except in the case of a rezone, the decision may be given the effect of a final decision of the legislative authority.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the county's comprehensive plan and the county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

**Sec. 426.** RCW 58.17.090 and 1981 c 293 s 5 are each amended to read as follows:

(1) Upon receipt of an application for preliminary plat approval the administrative officer charged by ordinance with responsibility for administration of regulations pertaining to platting and subdivisions shall provide public notice and set a date for a public hearing. Except as provided in section 415 of this act, at a minimum, notice of the hearing shall be given in the following manner:

~~((1))~~ (a) Notice shall be published not less than ten days prior to the hearing in a newspaper of general circulation within the county and a newspaper of general circulation in the area where the real property which is proposed to be subdivided is located; and

~~((2))~~ (b) Special notice of the hearing shall be given to adjacent landowners by any other reasonable method local authorities deem necessary. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within three hundred feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection (1)(b) shall be given to owners of real property located within three hundred feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided.

(2) All hearings shall be public. All hearing notices shall include a description of the location of the proposed subdivision. The description may be in the form of either a vicinity location sketch or a written description other than a legal description.

**Sec. 427.** RCW 58.17.092 and 1988 c 168 s 12 are each amended to read as follows:

Any notice made under chapter 58.17 or 36.— (the new chapter created in section 431 of this act) RCW that identifies affected property may identify this affected property without using a legal description of the property including, but not limited to, identification by an address, written description, vicinity sketch, or other reasonable means.

**Sec. 428.** RCW 58.17.100 and 1981 c 293 s 6 are each amended to read as follows:

If a city, town or county has established a planning commission or planning agency in accordance with state law or local charter, such commission or agency shall review all preliminary plats and make recommendations thereon to the city, town or county legislative body to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted by the city, town or county. Reports of the planning commission or agency shall be advisory only: PROVIDED, That the legislative body of the city, town or county may, by ordinance, assign to such commission or agency, or any department official or group of officials, such administrative functions, powers and duties as may be appropriate, including the holding of hearings, and recommendations for approval or disapproval of preliminary plats of proposed subdivisions.

Such recommendation shall be submitted to the legislative body not later than fourteen days following action by the hearing body. Upon receipt of the recommendation on any preliminary plat the legislative body shall at its next public meeting set the date for the public meeting where it shall consider the recommendations of the hearing body and may adopt or reject the recommendations of such hearing body based on the record established at the public hearing. If, after considering the matter at a public meeting, the legislative body deems a change in the planning commission's or planning agency's recommendation approving or disapproving any preliminary plat is necessary, ~~((the change of the recommendation shall not be made until))~~ the legislative body shall ~~((conduct a public hearing and thereupon))~~ adopt its own recommendations and approve or disapprove the preliminary plat. ~~((Such public hearing may be held before a committee constituting a majority of the legislative body. If the hearing is before a committee, the committee shall report its recommendations on the matter to the legislative body for final action.))~~

Every decision or recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation.

A record of all public meetings and public hearings shall be kept by the appropriate city, town or county authority and shall be open to public inspection.

Sole authority to approve final plats, and to adopt or amend platting ordinances shall reside in the legislative bodies.

**Sec. 429.** RCW 58.17.330 and 1994 c 257 s 6 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter requiring a planning commission to hear and issue recommendations for plat approval, the county or city legislative body may adopt a hearing examiner system and shall specify by ordinance the legal effect of the decisions made by the examiner. ~~((Except as provided in subsection (2) of this section,))~~ The legal effect of such decisions shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body; or

(c) The decision may be given the effect of a final decision of the legislative body.

The legislative authority shall prescribe procedures to be followed by a hearing examiner.

~~(2) ((The legislative body shall specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or may be given the effect of a final decision of the legislative body.~~

~~(3))~~ Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Each final decision of a hearing examiner, unless a longer period is mutually agreed to by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

NEW SECTION. Sec. 430. The department of community, trade, and economic development shall provide training and technical assistance to counties and cities to assist them in fulfilling the requirements of chapter 36.— RCW (the new chapter created in section 431 of this act).

NEW SECTION. Sec. 431. Sections 401, 402, 404 through 407, 413 through 420, and 502 through 506 of this act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 432. RCW 36.70A.065 and 36.70A.440 are recodified as sections within the new chapter created in section 431 of this act.

NEW SECTION. Sec. 433. Sections 413 and 421 of this act shall expire June 30, 1998. The provisions of sections 413 and 421 of this act shall apply to project permit applications determined to be complete pursuant to RCW 36.70A.440 (as recodified by this act) on or before June 30, 1998.

**PART V - DEVELOPMENT AGREEMENTS**

**NEW SECTION. Sec. 501.** The legislature finds that the lack of certainty in the approval of development projects can result in a waste of public and private resources, escalate housing costs for consumers and discourage the commitment to comprehensive planning which would make maximum efficient use of resources at the least economic cost to the public. Assurance to a development project applicant that upon government approval the project may proceed in accordance with existing policies and regulations, and subject to conditions of approval, all as set forth in a development agreement, will strengthen the public planning process, encourage private participation and comprehensive planning, and reduce the economic costs of development. Further, the lack of public facilities and services is a serious impediment to development of new housing and commercial uses. Project applicants and local governments may include provisions and agreements whereby applicants are reimbursed over time for financing public facilities. It is the intent of the legislature by sections 502 through 506 of this act to allow local governments and owners and developers of real property to enter into development agreements.

**NEW SECTION. Sec. 502.** (1) A local government may enter into a development agreement with a person having ownership or control of real property within its jurisdiction. A city may enter into a development agreement for real property outside its boundaries as part of a proposed annexation or a service agreement. A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with applicable development regulations adopted by a local government planning under chapter 36.70A RCW.

(2) Sections 501 through 504 of this act do not affect the validity of a contract rezone, concomitant agreement, annexation agreement, or other agreement in existence on the effective date of sections 501 through 504 of this act, or adopted under separate authority, that includes some or all of the development standards provided in subsection (3) of this section.

(3) For the purposes of this section, "development standards" includes, but is not limited to:

(a) Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;

(b) The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;

(c) Mitigation measures, development conditions, and other requirements under chapter 43.21C RCW;

- (d) Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;
- (e) Affordable housing;
- (f) Parks and open space preservation;
- (g) Phasing;
- (h) Review procedures and standards for implementing decisions;
- (i) A build-out or vesting period for applicable standards; and
- (j) Any other appropriate development requirement or procedure.

(4) The execution of a development agreement is a proper exercise of county and city police power and contract authority. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. A development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

**NEW SECTION. Sec. 503.** Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement, and may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. A permit or approval issued by the county or city after the execution of the development agreement must be consistent with the development agreement.

**NEW SECTION. Sec. 504.** A development agreement shall be recorded with the real property records of the county in which the property is located. During the term of the development agreement, the agreement is binding on the parties and their successors, including a city that assumes jurisdiction through incorporation or annexation of the area covering the property covered by the development agreement.

**NEW SECTION. Sec. 505.** A county or city shall only approve a development agreement by ordinance or resolution after a public hearing. The county or city legislative body or a planning commission, hearing examiner, or other body designated by the legislative body to conduct the public hearing may conduct the hearing. If the development agreement relates to a project permit application, the provisions of chapter 36.— RCW (sections 701 through 715 of this act) shall apply to the appeal of the decision on the development agreement.

**NEW SECTION. Sec. 506.** Nothing in sections 501 through 505 of this act is intended to authorize local governments to impose impact fees, inspection fees, or dedications or to require any other financial contributions or mitigation measures except as expressly authorized by other applicable provisions of state law.

**PART VI - STATE PERMIT COORDINATION**

**NEW SECTION.** Sec. 601. The legislature hereby finds and declares:

(1) Washington's environmental protection programs have established strict standards to reduce pollution and protect the public health and safety and the environment. The single-purpose programs instituted to achieve these standards have been successful in many respects, and have produced significant gains in protecting Washington's environment in the face of substantial population growth.

(2) Continued progress to achieve the environmental standards in the face of continued population growth will require greater coordination between the single-purpose environmental programs and more efficient operation of these programs overall. Pollution must be prevented and controlled and not simply transferred to another media or another place. This goal can only be achieved by maintaining the current environmental protection standards and by greater integration of the existing programs.

(3) As the number of environmental laws and regulations have grown in Washington, so have the number of permits required of business and government. This regulatory burden has significantly added to the cost and time needed to obtain essential permits in Washington. The increasing number of individual permits and permit authorities has generated the continuing potential for conflict, overlap, and duplication between the various state, local, and federal permits.

(4) The purpose of this chapter is to institute new, efficient procedures that will assist businesses and public agencies in complying with the environmental quality laws in an expedited fashion, without reducing protection of public health and safety and the environment.

(5) Those procedures need to provide a permit process that promotes effective dialogue and ensures ease in the transfer and clarification of technical information, while preventing duplication. It is necessary that the procedures establish a process for preliminary and ongoing meetings between the applicant, the coordinating permit agency, and the participating permit agencies, but do not preclude the applicant or participating permit agencies from individually coordinating with each other.

(6) It is necessary, to the maximum extent practicable, that the procedures established in this chapter ensure that the coordinated permit agency process and applicable permit requirements and criteria are integrated and run concurrently, rather than consecutively.

(7) It is necessary to provide a reliable and consolidated source of information concerning federal, state, and local environmental and land use laws and procedures that apply to any given proposal.

(8) It is the intent of this chapter to provide an optional process by which a project proponent may obtain active coordination of all applicable regulatory and land-use permitting procedures. This process is not to replace individual laws, or diminish the substantive decision-making role of individual jurisdictions.



Rather it is to provide predictability, administrative consolidation, and, where possible, consolidation of appeal processes.

(9) It is also the intent of this chapter to provide consolidated, effective, and easier opportunities for members of the public to receive information and present their views about proposed projects.

**NEW SECTION.** Sec. 602. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Center" means the permit assistance center established in the commission by section 603 of this act.

(2) "Coordinating permit agency" means the permit agency that has the greatest overall jurisdiction over a project.

(3) "Department" means the department of ecology.

(4) "Participating permit agency" means a permit agency, other than the coordinating permit agency, that is responsible for the issuance of a permit for a project.

(5) "Permit" means any license, certificate, registration, permit, or other form of authorization required by a permit agency to engage in a particular activity.

(6) "Permit agency" means:

(a) The department of ecology, an air pollution control authority, the department of natural resources, the department of fish and wildlife, and the department of health; and

(b) Any other state or federal agency or county, city, or town that participates at the request of the permit applicant and upon the agency's agreement to be subject to this chapter.

(7) "Project" means an activity, the conduct of which requires permits from one or more permit agencies.

**NEW SECTION.** Sec. 603. The permit assistance center is established within the department. The center shall:

(1) Publish and keep current one or more handbooks containing lists and explanations of all permit laws. The center shall coordinate with the business assistance center in providing and maintaining this information to applicants and others. To the extent possible, the handbook shall include relevant federal and tribal laws. A state agency or local government shall provide a reasonable number of copies of application forms, statutes, ordinances, rules, handbooks, and other informational material requested by the center and shall otherwise fully cooperate with the center. The center shall seek the cooperation of relevant federal agencies and tribal governments;

(2) Establish, and make known, a point of contact for distribution of the handbook and advice to the public as to its interpretation in any given case;

(3) Work closely and cooperatively with the business license center and the business assistance center in providing efficient and nonduplicative service to the public;

(4) Seek the assignment of employees from the permit agencies listed under section 602(6)(a) of this act to serve on a rotating basis in staffing the center; and

(5) Provide an annual report to the legislature on potential conflicts and perceived inconsistencies among existing statutes. The first report shall be submitted to the appropriate standing committees of the house of representatives and senate by December 1, 1996.

**NEW SECTION.** Sec. 604. (1) Not later than January 1, 1996, the center shall establish by rule an administrative process for the designation of a coordinating permit agency for a project.

(2) The administrative process shall consist of the establishment of guidelines for designating the coordinating permit agency for a project. If a permit agency is the lead agency for purposes of chapter 43.21C RCW, that permit agency shall be the coordinating permit agency. In other cases, the guidelines shall require that at least the following factors be considered in determining which permit agency has the greatest overall jurisdiction over the project:

(a) The types of facilities or activities that make up the project;

(b) The types of public health and safety and environmental concerns that should be considered in issuing permits for the project;

(c) The environmental medium that may be affected by the project, the extent of those potential effects, and the environmental protection measures that may be taken to prevent the occurrence of, or to mitigate, those potential effects;

(d) The regulatory activity that is of greatest importance in preventing or mitigating the effects that the project may have on public health and safety or the environment; and

(e) The statutory and regulatory requirements that apply to the project and the complexity of those requirements.

**NEW SECTION.** Sec. 605. Upon the request of a project applicant, the center shall appoint a project facilitator to assist the applicant in determining which regulatory requirements, processes, and permits may be required for development and operation of the proposed project. The project facilitator shall provide the information to the applicant and explain the options available to the applicant in obtaining the required permits. If the applicant requests, the center shall designate a coordinating permit agency as provided in section 606 of this act.

**NEW SECTION.** Sec. 606. (1) A permit applicant who requests the designation of a coordinating permit agency shall provide the center with a description of the project, a preliminary list of the permits that the project may require, the identity of any public agency that has been designated the lead agency for the project pursuant to chapter 43.21C RCW, and the identity of the participating permit agencies. The center may request any information from the permit applicant that is necessary to make the designation under this section, and

may convene a scoping meeting of the likely coordinating permit agency and participating permit agencies in order to make that designation.

(2) The coordinating permit agency shall serve as the main point of contact for the permit applicant with regard to the coordinated permit process for the project and shall manage the procedural aspects of that processing consistent with existing laws governing the coordinating permit agency and participating permit agencies, and with the procedures agreed to by those agencies in accordance with section 607 of this act. In carrying out these responsibilities, the coordinating permit agency shall ensure that the permit applicant has all the information needed to apply for all the component permits that are incorporated in the coordinated permit process for the project, coordinate the review of those permits by the respective participating permit agencies, ensure that timely permit decisions are made by the participating permit agencies, and assist in resolving any conflict or inconsistency among the permit requirements and conditions that are to be imposed by the participating permit agencies with regard to the project. The coordinating permit agency shall keep in contact with the applicant as well as other permit agencies in order to assure that the process is progressing as scheduled. The coordinating permit agency shall also make contact, at least once, with any local jurisdiction that is responsible for issuing a permit for the project if the local jurisdiction has not agreed to be a participating permit agency as provided in section 602(6) of this act.

(3) This chapter shall not be construed to limit or abridge the powers and duties granted to a participating permit agency under the law that authorizes or requires the agency to issue a permit for a project. Each participating permit agency shall retain its authority to make all decisions on all nonprocedural matters with regard to the respective component permit that is within its scope of its responsibility, including, but not limited to, the determination of permit application completeness, permit approval or approval with conditions, or permit denial. The coordinating permit agency may not substitute its judgment for that of a participating permit agency on any such nonprocedural matters.

**NEW SECTION. Sec. 607.** (1) Within twenty-one days of the date that the coordinating permit agency is designated, it shall convene a meeting with the permit applicant for the project and the participating permit agencies. The meeting agenda shall include at least all of the following matters:

- (a) A determination of the permits that are required for the project;
- (b) A review of the permit application forms and other application requirements of the agencies that are participating in the coordinated permit process;
- (c)(i) A determination of the timelines that will be used by the coordinating permit agency and each participating permit agency to make permit decisions, including the time periods required to determine if the permit applications are complete, to review the application or applications, and to process the component permits. In the development of this timeline, full attention shall be given to achieving the maximum efficiencies possible through concurrent studies,

consolidated applications, hearings, and comment periods. Except as provided in (c)(ii) of this subsection, the timelines established under this subsection, with the assent of the coordinating permit agency and each participating permit agency, shall commit the coordinating permit agency and each participating permit agency to act on the component permit within time periods that are different than those required by other applicable provisions of law.

(ii) An accelerated time period for the consideration of a permit application may not be set if that accelerated time period would be inconsistent with, or in conflict with, any time period or series of time periods set by statute for that consideration, or with any statute, rule, or regulation, or adopted state policy, standard, or guideline that requires any of the following:

(A) Other agencies, interested persons, federally recognized Indian tribes, or the public to be given adequate notice of the application;

(B) Other agencies to be given a role in, or be allowed to participate in, the decision to approve or disapprove the application; or

(C) Interested persons or the public to be provided the opportunity to challenge, comment on, or otherwise voice their concerns regarding the application;

(d) The scheduling of any public hearings that are required to issue permits for the project and a determination of the feasibility of coordinating or consolidating any of those required public hearings; and

(e) A discussion of fee arrangements for the coordinated permit process, including an estimate of the costs allowed under section 610 of this act and the billing schedule.

(2) Each agency shall send at least one representative qualified to make decisions concerning the applicability and timelines associated with all permits administered by that jurisdiction. At the request of the applicant, the coordinating permit agency shall notify any relevant federal agency or federally recognized tribe of the date of the meeting and invite that agency's participation in the process.

(3) If a permit agency or the applicant foresees, at any time, that it will be unable to meet its obligations under the agreement, it shall notify the coordinating permit agency of the problem. The coordinating permit agency shall notify the participating permit agencies and the applicant and, upon agreement of all parties, adjust the schedule, or, if necessary, schedule another work plan meeting.

(4) The coordinating permit agency may request any information from the applicant that is necessary to comply with its obligations under this section, consistent with the timelines set pursuant to this section.

(5) A summary of the decisions made under this section shall be made available for public review upon the filing of the coordinated permit process application or permit applications.

**NEW SECTION.** Sec. 608. (1) The permit applicant may withdraw from the coordinated permit process by submitting to the coordinating permit agency a written request that the process be terminated. Upon receipt of the request, the

coordinating permit agency shall notify the center and each participating permit agency that a coordinated permit process is no longer applicable to the project.

(2) The permit applicant may submit a written request to the coordinating permit agency that the permit applicant wishes a participating permit agency to withdraw from participation on the basis of a reasonable belief that the issuance of the coordinated permit process would be accelerated if the participating permit agency withdraws. In that event, the participating permit agency shall withdraw from participation if the coordinating permit agency approves the request.

**NEW SECTION. Sec. 609.** The coordinating permit agency shall ensure that the participating permit agencies make all the permit decisions that are necessary for the incorporation of the permits into the coordinated permit process and act on the component permits within the time periods established pursuant to section 607 of this act.

**NEW SECTION. Sec. 610.** (1) The coordinating permit agency may enter into a written agreement with the applicant to recover from the applicant the reasonable costs incurred by the coordinating permit agency in carrying out the requirements of this chapter.

(2) The coordinating permit agency may recover only the costs of performing those coordinated permit services and shall be negotiated with the permit applicant in the meeting required pursuant to section 607 of this act. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments.

**NEW SECTION. Sec. 611.** A petition by the permit applicant for review of an agency action in issuing, denying, or amending a permit, or any portion of a coordinating permit agency permit, shall be submitted by the permit applicant to the coordinating permit agency or the participating permit agency having jurisdiction over that permit and shall be processed in accordance with the procedures of that permit agency. Within thirty days of receiving the petition, the coordinating permit agency shall notify the other environmental agencies participating in the original coordinated permit process.

**NEW SECTION. Sec. 612.** If an applicant petitions for a significant amendment or modification to a coordinated permit process application or any of its component permit applications, the coordinating permit agency shall reconvene a meeting of the participating permit agencies, conducted in accordance with section 607 of this act.

**NEW SECTION. Sec. 613.** If an applicant fails to provide information required for the processing of the component permit applications for a coordinated permit process or for the designation of a coordinating permit agency, the time requirements of this chapter shall be held in abeyance until such time as the information is provided.

**NEW SECTION. Sec. 614.** (1) The center, by rule, shall establish an expedited appeals process by which a petitioner or applicant may appeal any

failure by a permit agency to take timely action on the issuance or denial of a permit in accordance with the time limits established under this chapter.

(2) If the center finds that the time limits under appeal have been violated without good cause, it shall establish a date certain by which the permit agency shall act on the permit application with adequate provision for the requirements of section 607(1)(c)(ii) (A) through (C) of this act, and provide for the full reimbursement of any filing or permit processing fees paid by the applicant to the permit agency for the permit application under appeal.

**NEW SECTION.** Sec. 615. Nothing in this chapter affects the jurisdiction of the energy facility site evaluation council as provided in chapter 80.50 RCW.

**NEW SECTION.** Sec. 616. By December 1, 1997, the center shall submit a report to the appropriate committees of both houses of the legislature detailing the following information:

(1) The number of instances in which a coordinating permit agency has been requested and used, and the disposition of those cases;

(2) The amount of time elapsed between an initial request by a permit applicant for a coordinated permit process and the ultimate approval or disapproval of the permits included in the process; and

(3) The number of instances in which the expedited appeals process was requested, and the disposition of those cases.

**NEW SECTION.** Sec. 617. A new section is added to chapter 43.131 RCW to read as follows:

The permit assistance center and its powers and duties shall be terminated June 30, 1999, as provided in section 618 of this act.

**NEW SECTION.** Sec. 618. 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, 2000:

- (1) RCW 90.—.— and 1995 c — s 601 (section 601 of this act);
- (2) RCW 90.—.— and 1995 c — s 602 (section 602 of this act);
- (3) RCW 90.—.— and 1995 c — s 603 (section 603 of this act);
- (4) RCW 90.—.— and 1995 c — s 604 (section 604 of this act);
- (5) RCW 90.—.— and 1995 c — s 605 (section 605 of this act);
- (6) RCW 90.—.— and 1995 c — s 606 (section 606 of this act);
- (7) RCW 90.—.— and 1995 c — s 607 (section 607 of this act);
- (8) RCW 90.—.— and 1995 c — s 608 (section 608 of this act);
- (9) RCW 90.—.— and 1995 c — s 609 (section 609 of this act);
- (10) RCW 90.—.— and 1995 c — s 610 (section 610 of this act);
- (11) RCW 90.—.— and 1995 c — s 611 (section 611 of this act);
- (12) RCW 90.—.— and 1995 c — s 612 (section 612 of this act);
- (13) RCW 90.—.— and 1995 c — s 613 (section 613 of this act);
- (14) RCW 90.—.— and 1995 c — s 614 (section 614 of this act);
- (15) RCW 90.—.— and 1995 c — s 615 (section 615 of this act); and

(16) RCW 90.—.— and 1995 c — s 616 (section 616 of this act).

**NEW SECTION. Sec. 619.** The following acts or parts of acts are each repealed:

(1) RCW 90.62.010 and 1982 c 179 s 1, 1977 c 54 s 1, & 1973 1st ex.s. c 185 s 1;

(2) RCW 90.62.020 and 1994 c 264 s 96, 1988 c 36 s 71, 1977 c 54 s 2, & 1973 1st ex.s. c 185 s 2;

(3) RCW 90.62.030 and 1973 1st ex.s. c 185 s 3;

(4) RCW 90.62.040 and 1990 c 137 s 1, 1977 c 54 s 3, & 1973 1st ex.s. c 185 s 4;

(5) RCW 90.62.050 and 1977 c 54 s 4 & 1973 1st ex.s. c 185 s 5;

(6) RCW 90.62.060 and 1982 c 179 s 2, 1977 c 54 s 5, & 1973 1st ex.s. c 185 s 6;

(7) RCW 90.62.070 and 1973 1st ex.s. c 185 s 7;

(8) RCW 90.62.080 and 1987 c 109 s 156, 1977 c 54 s 6, & 1973 1st ex.s. c 185 s 8;

(9) RCW 90.62.090 and 1977 c 54 s 7 & 1973 1st ex.s. c 185 s 9;

(10) RCW 90.62.100 and 1977 c 54 s 8 & 1973 1st ex.s. c 185 s 10;

(11) RCW 90.62.110 and 1973 1st ex.s. c 185 s 11;

(12) RCW 90.62.120 and 1973 1st ex.s. c 185 s 12;

(13) RCW 90.62.130 and 1977 c 54 s 9;

(14) RCW 90.62.900 and 1973 1st ex.s. c 185 s 13;

(15) RCW 90.62.901 and 1973 1st ex.s. c 185 s 14;

(16) RCW 90.62.904 and 1973 1st ex.s. c 185 s 15;

(17) RCW 90.62.905 and 1973 1st ex.s. c 185 s 16;

(18) RCW 90.62.906 and 1973 1st ex.s. c 185 s 18;

(19) RCW 90.62.907 and 1973 1st ex.s. c 185 s 19; and

(20) RCW 90.62.908 and 1977 c 54 s 10.

**NEW SECTION. Sec. 620.** Sections 601 through 616 of this act shall constitute a new chapter in Title 90 RCW.

## PART VII - APPEALS

**NEW SECTION. Sec. 701.** This chapter may be known and cited as the land use petition act.

**NEW SECTION. Sec. 702.** The purpose of this chapter is to reform the process for judicial review of land use decisions made by local jurisdictions, by establishing uniform, expedited appeal procedures and uniform criteria for reviewing such decisions, in order to provide consistent, predictable, and timely judicial review.

**NEW SECTION. Sec. 703.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Land use decision" means a final determination by a local jurisdiction's body or officer with the highest level of authority to make the determination, including those with authority to hear appeals, on:

(a) An application for a project permit or other governmental approval required by law before real property may be improved, developed, modified, sold, transferred, or used, but excluding applications for permits or approvals to use, vacate, or transfer streets, parks, and similar types of public property; excluding applications for legislative approvals such as area-wide rezones and annexations; and excluding applications for business licenses;

(b) An interpretative or declaratory decision regarding the application to a specific property of zoning or other ordinances or rules regulating the improvement, development, modification, maintenance, or use of real property; and

(c) The enforcement by a local jurisdiction of ordinances regulating the improvement, development, modification, maintenance, or use of real property. However, when a local jurisdiction is required by law to enforce the ordinances in a court of limited jurisdiction, a petition may not be brought under this chapter.

(2) "Local jurisdiction" means a county, city, or incorporated town.

(3) "Person" means an individual, partnership, corporation, association, public or private organization, or governmental entity or agency.

**NEW SECTION. Sec. 704.** (1) This chapter replaces the writ of certiorari for appeal of land use decisions and shall be the exclusive means of judicial review of land use decisions, except that this chapter does not apply to:

(a) Judicial review of:

(i) Land use decisions made by bodies that are not part of a local jurisdiction;

(ii) Land use decisions of a local jurisdiction that are subject to review by a quasi-judicial body created by state law, such as the shorelines hearings board or the growth management hearings board;

(b) Judicial review of applications for a writ of mandamus or prohibition; or

(c) Claims provided by any law for monetary damages or compensation. If one or more claims for damages or compensation are set forth in the same complaint with a land use petition brought under this chapter, the claims are not subject to the procedures and standards, including deadlines, provided in this chapter for review of the petition. The judge who hears the land use petition may, if appropriate, preside at a trial for damages or compensation.

(2) The superior court civil rules govern procedural matters under this chapter to the extent that the rules are consistent with this chapter.

**NEW SECTION. Sec. 705.** (1) Proceedings for review under this chapter shall be commenced by filing a land use petition in superior court.



(2) A land use petition is barred, and the court may not grant review, unless the petition is timely filed with the court and timely served on the following persons who shall be parties to the review of the land use petition:

(a) The local jurisdiction, which for purposes of the petition shall be the jurisdiction's corporate entity and not an individual decision maker or department;

(b) Each of the following persons if the person is not the petitioner:

(i) Each person identified by name and address in the local jurisdiction's written decision as an applicant for the permit or approval at issue; and

(ii) Each person identified by name and address in the local jurisdiction's written decision as an owner of the property at issue;

(c) If no person is identified in a written decision as provided in (b) of this subsection, each person identified by name and address as a taxpayer for the property at issue in the records of the county assessor, based upon the description of the property in the application; and

(d) Each person named in the written decision who filed an appeal to a local jurisdiction quasi-judicial decision maker regarding the land use decision at issue, unless the person has abandoned the appeal or the person's claims were dismissed before the quasi-judicial decision was rendered. Persons who later intervened or joined in the appeal are not required to be made parties under this subsection.

(3) The petition is timely if it is filed and served on all parties listed in subsection (2) of this section within twenty-one days of the issuance of the land use decision.

(4) For the purposes of this section, the date on which a land use decision is issued is:

(a) Three days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available;

(b) If the land use decision is made by ordinance or resolution by a legislative body sitting in a quasi-judicial capacity, the date the body passes the ordinance or resolution; or

(c) If neither (a) nor (b) of this subsection applies, the date the decision is entered into the public record.

(5) Service on the local jurisdiction must be by delivery of a copy of the petition to the persons identified by or pursuant to RCW 4.28.080 to receive service of process. Service on other parties must be in accordance with the superior court civil rules or by first class mail to:

(a) The address stated in the written decision of the local jurisdiction for each person made a party under subsection (2)(b) of this section;

(b) The address stated in the records of the county assessor for each person made a party under subsection (2)(c) of this section; and

(c) The address stated in the appeal to the quasi-judicial decision maker for each person made a party under subsection (2)(d) of this section.

(6) Service by mail is effective on the date of mailing and proof of service shall be by affidavit or declaration under penalty of perjury.

**NEW SECTION. Sec. 706.** If the applicant for the land use approval is not the owner of the real property at issue, and if the owner is not accurately identified in the records referred to in section 705(2) (b) and (c) of this act, the applicant shall be responsible for promptly securing the joinder of the owners. In addition, within fourteen days after service each party initially named by the petitioner shall disclose to the other parties the name and address of any person whom such party knows may be needed for just adjudication of the petition, and the petitioner shall promptly name and serve any such person whom the petitioner agrees may be needed for just adjudication. If such a person is named and served before the initial hearing, leave of court for the joinder is not required, and the petitioner shall provide the newly joined party with copies of the pleadings filed before the party's joinder. Failure by the petitioner to name or serve, within the time required by section 705(3) of this act, persons who are needed for just adjudication but who are not identified in the records referred to in section 705(2)(b) of this act, or in section 705(2)(c) of this act if applicable, shall not deprive the court of jurisdiction to hear the land use petition.

**NEW SECTION. Sec. 707.** Standing to bring a land use petition under this chapter is limited to the following persons:

(1) The applicant and the owner of property to which the land use decision is directed;

(2) Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:

(a) The land use decision has prejudiced or is likely to prejudice that person;

(b) That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;

(c) A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and

(d) The petitioner has exhausted his or her administrative remedies to the extent required by law.

**NEW SECTION. Sec. 708.** A land use petition must set forth:

(1) The name and mailing address of the petitioner;

(2) The name and mailing address of the petitioner's attorney, if any;

(3) The name and mailing address of the local jurisdiction whose land use decision is at issue;

(4) Identification of the decision-making body or officer, together with a duplicate copy of the decision, or, if not a written decision, a summary or brief description of it;

(5) Identification of each person to be made a party under section 705(2) (b) through (d) of this act;

(6) Facts demonstrating that the petitioner has standing to seek judicial review under section 707 of this act;

(7) A separate and concise statement of each error alleged to have been committed;

(8) A concise statement of facts upon which the petitioner relies to sustain the statement of error; and

(9) A request for relief, specifying the type and extent of relief requested.

**NEW SECTION. Sec. 709.** (1) Within seven days after the petition is served on the parties identified in section 705(2) of this act, the petitioner shall note, according to the local rules of superior court, an initial hearing on jurisdictional and preliminary matters. This initial hearing shall be set no sooner than thirty-five days and no later than fifty days after the petition is served on the parties identified in section 705(2) of this act.

(2) The parties shall note all motions on jurisdictional and procedural issues for resolution at the initial hearing, except that a motion to allow discovery may be brought sooner. Where confirmation of motions is required, each party shall be responsible for confirming its own motions.

(3) The defenses of lack of standing, untimely filing or service of the petition, and failure to join persons needed for just adjudication are waived if not raised by timely motion noted to be heard at the initial hearing, unless the court allows discovery on such issues.

(4) The petitioner shall move the court for an order at the initial hearing that sets the date on which the record must be submitted, sets a briefing schedule, sets a discovery schedule if discovery is to be allowed, and sets a date for the hearing or trial on the merits.

(5) The parties may waive the initial hearing by scheduling with the court a date for the hearing or trial on the merits and filing a stipulated order that resolves the jurisdictional and procedural issues raised by the petition, including the issues identified in subsections (3) and (4) of this section.

(6) A party need not file an answer to the petition.

**NEW SECTION. Sec. 710.** The court shall provide expedited review of petitions filed under this chapter. The matter must be set for hearing within sixty days of the date set for submitting the local jurisdiction's record, absent a showing of good cause for a different date or a stipulation of the parties.

**NEW SECTION. Sec. 711.** (1) A petitioner or other party may request the court to stay or suspend an action by the local jurisdiction or another party to implement the decision under review. The request must set forth a statement of grounds for the stay and the factual basis for the request.

(2) A court may grant a stay only if the court finds that:

(a) The party requesting the stay is likely to prevail on the merits;

(b) Without the stay the party requesting it will suffer irreparable harm;

(c) The grant of a stay will not substantially harm other parties to the proceedings; and

(d) The request for the stay is timely in light of the circumstances of the case.

(3) The court may grant the request for a stay upon such terms and conditions, including the filing of security, as are necessary to prevent harm to other parties by the stay.

**NEW SECTION. Sec. 712.** (1) Within forty-five days after entry of an order to submit the record, or within such a further time as the court allows or as the parties agree, the local jurisdiction shall submit to the court a certified copy of the record for judicial review of the land use decision, except that the petitioner shall prepare at the petitioner's expense and submit a verbatim transcript of any hearings held on the matter.

(2) If the parties agree, or upon order of the court, the record shall be shortened or summarized to avoid reproduction and transcription of portions of the record that are duplicative or not relevant to the issues to be reviewed by the court.

(3) The petitioner shall pay the local jurisdiction the cost of preparing the record before the local jurisdiction submits the record to the court. Failure by the petitioner to timely pay the local jurisdiction relieves the local jurisdiction of responsibility to submit the record and is grounds for dismissal of the petition.

(4) If the relief sought by the petitioner is granted in whole or in part the court shall equitably assess the cost of preparing the record among the parties. In assessing costs the court shall take into account the extent to which each party prevailed and the reasonableness of the parties' conduct in agreeing or not agreeing to shorten or summarize the record under subsection (2) of this section.

**NEW SECTION. Sec. 713.** (1) When the land use decision being reviewed was made by a quasi-judicial body or officer who made factual determinations in support of the decision and the parties to the quasi-judicial proceeding had an opportunity consistent with due process to make a record on the factual issues, judicial review of factual issues and the conclusions drawn from the factual issues shall be confined to the record created by the quasi-judicial body or officer, except as provided in subsections (2) through (4) of this section.

(2) For decisions described in subsection (1) of this section, the record may be supplemented by additional evidence only if the additional evidence relates to:

(a) Grounds for disqualification of a member of the body or of the officer that made the land use decision, when such grounds were unknown by the petitioner at the time the record was created;

(b) Matters that were improperly excluded from the record after being offered by a party to the quasi-judicial proceeding; or

(c) Matters that were outside the jurisdiction of the body or officer that made the land use decision.

(3) For land use decisions other than those described in subsection (1) of this section, the record for judicial review may be supplemented by evidence of material facts that were not made part of the local jurisdiction's record.

(4) The court may require or permit corrections of ministerial errors or inadvertent omissions in the preparation of the record.

(5) The parties may not conduct pretrial discovery except with the prior permission of the court, which may be sought by motion at any time after service of the petition. The court shall not grant permission unless the party requesting it makes a prima facie showing of need. The court shall strictly limit discovery to what is necessary for equitable and timely review of the issues that are raised under subsections (2) and (3) of this section. If the court allows the record to be supplemented, the court shall require the parties to disclose before the hearing or trial on the merits the specific evidence they intend to offer. If any party, or anyone acting on behalf of any party, requests records under chapter 42.17 RCW relating to the matters at issue, a copy of the request shall simultaneously be given to all other parties and the court shall take such request into account in fashioning an equitable discovery order under this section.

**NEW SECTION. Sec. 714.** (1) The superior court, acting without a jury, shall review the record and such supplemental evidence as is permitted under section 713 of this act. The court may grant relief only if the party seeking relief has carried the burden of establishing that one of the standards set forth in (a) through (f) of this subsection has been met. The standards are:

(a) The body or officer that made the land use decision engaged in unlawful procedure or failed to follow a prescribed process, unless the error was harmless;

(b) The land use decision is an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by a local jurisdiction with expertise;

(c) The land use decision is not supported by evidence that is substantial when viewed in light of the whole record before the court;

(d) The land use decision is a clearly erroneous application of the law to the facts;

(e) The land use decision is outside the authority or jurisdiction of the body or officer making the decision; or

(f) The land use decision violates the constitutional rights of the party seeking relief.

(2) In order to grant relief under this chapter, it is not necessary for the court to find that the local jurisdiction engaged in arbitrary and capricious conduct. A grant of relief by itself may not be deemed to establish liability for monetary damages or compensation.

**NEW SECTION. Sec. 715.** The court may affirm or reverse the land use decision under review or remand it for modification or further proceedings. If the decision is remanded for modification or further proceedings, the court may

make such an order as it finds necessary to preserve the interests of the parties and the public, pending further proceedings or action by the local jurisdiction.

**Sec. 716.** RCW 7.16.360 and 1989 c 175 s 38 are each amended to read as follows:

This chapter does not apply to state agency action reviewable under chapter 34.05 P.C., or to land use decisions of local jurisdictions reviewable under chapter 36.— RCW (sections 701 through 715 of this act).

**Sec. 717.** RCW 58.17.180 and 1983 c 121 s 5 are each amended to read as follows:

Any decision approving or disapproving any plat shall be reviewable (~~for unlawful, arbitrary, capricious or corrupt action or nonaction by writ of review before the superior court of the county in which such matter is pending. Standing to bring the action is limited to the following parties:~~

~~(1) The applicant or owner of the property on which the subdivision is proposed;~~

~~(2) Any property owner entitled to special notice under RCW 58.17.090;~~

~~(3) Any property owner who deems himself aggrieved thereby and who will suffer direct and substantial impacts from the proposed subdivision.~~

~~Application for a writ of review shall be made to the court within thirty days from any decision so to be reviewed. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant)) under chapter 36.— RCW (sections 701 through 715 of this act).~~

**NEW SECTION. Sec. 718.** A new section is added to chapter 4.84 RCW to read as follows:

(1) Notwithstanding any other provisions of this chapter, reasonable attorneys' fees and costs shall be awarded to the prevailing party or substantially prevailing party on appeal before the court of appeals or the supreme court of a decision by a county, city, or town to issue, condition, or deny a development permit involving a site-specific rezone, zoning, plat, conditional use, variance, shoreline permit, building permit, site plan, or similar land use approval or decision. The court shall award and determine the amount of reasonable attorneys' fees and costs under this section if:

(a) The prevailing party on appeal was the prevailing or substantially prevailing party before the county, city, or town, or in a decision involving a substantial development permit under chapter 90.58 RCW, the prevailing party on appeal was the prevailing party or the substantially prevailing party before the shoreline hearings board; and

(b) The prevailing party on appeal was the prevailing party or substantially prevailing party in all prior judicial proceedings.

(2) In addition to the prevailing party under subsection (1) of this section, the county, city, or town whose decision is on appeal is considered a prevailing party if its decision is upheld at superior court and on appeal.

NEW SECTION. **Sec. 719.** Sections 701 through 715 of this act shall constitute a new chapter in Title 36 RCW.

#### **PART VIII - STUDY**

NEW SECTION. **Sec. 801.** The land use study commission is hereby established. The commission's goal shall be the integration and consolidation of the state's land use and environmental laws into a single, manageable statute. In fulfilling its responsibilities, the commission shall evaluate the effectiveness of the growth management act, the state environmental policy act, the shoreline management act, and other state land use, planning, environmental, and permitting statutes in achieving their stated goals.

NEW SECTION. **Sec. 802.** The commission shall consist of not more than fourteen members. Eleven members of the commission shall be appointed by the governor. Membership shall reflect the interests of business, agriculture, labor, the environment, neighborhood groups, other citizens, the legislature, cities, counties, and federally recognized Indian tribes. Members shall have substantial experience in matters relating to land use and environmental planning and regulation, and shall have the ability to work toward cooperative solutions among diverse interests. The director of the department of community, trade, and economic development, or the director's designee, shall be a member and shall serve as chair of the commission. The director of the department of ecology, or the director's designee, and the secretary of the department of transportation, or the secretary's designee, shall also be members of the commission. Staff for the commission shall be provided by the department of community, trade, and economic development, with additional staff to be provided by other state agencies and the legislature, as may be required. State agencies shall provide the commission with information and assistance as needed.

NEW SECTION. **Sec. 803.** The commission shall convene commencing June 1, 1995, and shall complete its work by June 30, 1998. The commission shall submit a report to the governor and the legislature stating its findings, conclusions, and recommendations not later than November 1 of each year. The commission shall submit its final report to the governor and the legislature not later than November 1, 1997.

NEW SECTION. **Sec. 804.** The commission shall:

(1) Consider the effectiveness of state and local government efforts to consolidate and integrate the growth management act, the state environmental policy act, the shoreline management act, and other land use, planning, environmental, and permitting laws.

(2) Identify the revisions and modifications needed in state land use, planning, and environmental law and practice to adequately plan for growth and achieve economically and environmentally sustainable development, to adequately assess environmental impacts of comprehensive plans, development

regulations, and growth, and to reduce the time and cost of obtaining project permits.

(3) Draft a consolidated land use procedure, following these guidelines:

(a) Conduct land use planning through the comprehensive planning process under chapter 36.70A RCW rather than through review of individual projects;

(b) Involve diverse sectors of the public in the planning process. Early and informal environmental analysis should be incorporated into planning and decision making;

(c) Recognize that different questions need to be answered and different levels of detail applied at each planning phase, from the initial development of plan concepts or plan elements to implementation programs;

(d) Integrate and combine to the fullest extent possible the processes, analysis, and documents currently required under chapters 36.70A and 43.21C RCW, so that subsequent plan decisions and subsequent implementation will incorporate measures to promote the environmental, economic, and other goals and to mitigate undesirable or unintended adverse impacts on a community's quality of life;

(e) Focus environmental review and the level of detail needed for different stages of plan and project decisions on the environmental considerations most relevant to that stage of the process;

(f) Avoid duplicating review that has occurred for plan decisions when specific projects are proposed;

(g) Use environmental review on projects to: (i) Review and document consistency with comprehensive plans and development regulations; (ii) provide prompt and coordinated review by agencies, tribes, and the public on compliance with applicable environmental laws and plans, including mitigation for site specific project impacts that have not been considered and addressed at the plan or development regulation level; and (iii) ensure accountability by local government to applicants and the public for requiring and implementing mitigation measures;

(h) Maintain or improve the quality of environmental analysis both for plan and for project decisions, while integrating these analyses with improved state and local planning and permitting processes;

(i) Examine existing land use and environmental permits for necessity and utility. To the extent possible, existing permits should be combined into fewer permits, assuring that the values and principles intended to be protected by those permits remain protected; and.

(j) Consolidate local government appeal processes to allow a single appeal of permits at local government levels, a single state level administrative appeal, and a final judicial appeal.

(4) Monitor instances state-wide of the vesting of project permit applications during the period that an appeal is pending before a growth management hearings board, as authorized under RCW 36.70A.300. The commission shall also review the extent to which such vesting results in the approval of projects that are



inconsistent with a comprehensive plan or development regulation provision ultimately found to be in compliance with a board's order or remand. The commission shall analyze the impact of such approvals on ensuring the attainment of the goals and policies of chapter 36.70A RCW, and make recommendations to the governor and the legislature on statutory changes to address any adverse impacts from the provisions of RCW 36.70A.300. The commission shall provide an initial report on its findings and recommendations by November 1, 1995, and submit its further findings and recommendations subsequently in the reports required under section 803 of this act.

(5) Monitor local government consolidated permit procedures and the effectiveness of the timelines established by section 413 of this act. The commission shall include in its report submitted to the governor and the legislature on November 1, 1997, its recommendation about what timelines, if any, should be imposed on the local government consolidated permit process required by chapter 36.— RCW (the new chapter created in section 431 of this act).

(6) Evaluate funding mechanisms that will enable local governments to pay for and recover the costs of conducting integrated planning and environmental analysis. The commission shall include its conclusions in its first report to the legislature on November 1, 1995, and include any recommended statutory changes.

(7) Study, in cooperation with the state board for registration of professional engineers and the state building code council, ways in which state agencies and local governments could authorize professionals with appropriate qualifications to certify a project's compliance with certain state and local land use and environmental requirements. The commission shall report to the legislature on measures necessary to implement such a system of professional certification.

These guidelines are intended to guide the work of the commission, without limiting its charge to integrate and consolidate Washington's land use and environmental laws into a single, manageable statutory framework.

**NEW SECTION. Sec. 805.** Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 806.** Sections 801 through 805 of this act shall expire June 30, 1998.

#### **PART IX - MISCELLANEOUS**

**NEW SECTION. Sec. 901.** 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. 902.** Part headings and the table of contents as used in this act do not constitute any part of the law.

**\*NEW SECTION.** *Sec. 903. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act shall be null and void.*

*\*Sec. 903 was vetoed. See message at end of chapter.*

**NEW SECTION.** *Sec. 904. Sections 801 through 806 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1995.*

Passed the House April 23, 1995.

Passed the Senate April 11, 1995.

Approved by the Governor May 15, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 15, 1995.

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

"I am returning herewith, without my approval as to sections 103, 302, and 903, Engrossed Substitute House Bill No. 1724 entitled:

"AN ACT Relating to implementing the recommendations of the governor's task force on regulatory reform on integrating growth management planning and environmental review;"

This is a landmark piece of legislation. The result of eighteen months of work by the Governor's Task Force on Regulatory Reform, it represents a remarkable consensus of business, environmental, labor, neighborhood, and governmental interests. This measure is an example of real regulatory reform. It provides for consolidated and streamlined procedures, encourages more efficient use of both private and public resources, provides for better planning which leads to greater certainty, and maintains and enhances the quality of life in our state.

Sections 103 and 302 amend RCW 36.70A.030 and 90.58.030 respectively. These same sections are amended by Engrossed Senate Bill No. 5776. The amendments to these sections in the Senate bill are identical to the amendments included in Engrossed Substitute House Bill No. 1724, with the exception that Engrossed Senate Bill No. 5776 includes an exemption for inadvertent wetlands created as a result of road construction. The language included in Engrossed Senate Bill No. 5776 is preferable to and fully effectuates the changes included in sections 103 and 302 of Engrossed Substitute House Bill No. 1724.

Section 903 provides that this bill will not become law if by June 30, 1995 the legislature fails to enact a budget and reference the bill by number in that budget. Although I do not doubt the legislature will adopt a budget and provide funding, such a provision places this legislation at unnecessary risk.

For these reasons, I have vetoed sections 103, 302, and 903 of Engrossed Substitute House Bill No. 1724.

With the exception of sections 103, 302, and 903, Engrossed Substitute House Bill No. 1724 is approved."

## CHAPTER 348

[Engrossed Substitute House Bill 1527]

## WORLD WAR II MEMORIAL

AN ACT Relating to recognition of World War II veterans; 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 intends to remember the thousands of men and women from Washington state who served in World War II. This year, nineteen hundred and ninety-five, marks the fiftieth anniversary of the end of World War II and yet there is no monument on the state capitol campus to specifically recognize the dedication of the men and women of this state who served or were wounded, killed, or missing in action during World War II. These brave people should be recognized for their dedication to freedom and bravery that brought a victorious end to the war. The legislature pledges strong support for a war memorial on the state capitol campus to honor all those who served in the armed forces during World War II.

**NEW SECTION.** Sec. 2. (1) The sum of fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1997, from the state general fund to the department of veterans affairs for the purpose of erecting a monument on the state capitol campus to honor and thank all who served during World War II.

(2) Prior to expending the appropriation the department of veterans affairs shall convene an advisory committee to make recommendations to the department on the type, size, and cost of the memorial and recommend a site on the capitol campus, subject to approval of the state capitol committee, for the memorial. The advisory committee shall consist of eleven members: Two from the house of representatives, one from each caucus; two from the senate, one from each caucus; one member appointed by the governor; and six public members representing veterans or veteran organizations. Members of the advisory committee shall not be compensated or reimbursed for any expenses incurred by attending advisory committee meetings.

Passed the House April 19, 1995.

Passed the Senate April 5, 1995.

Approved by the Governor May 15, 1995.

Filed in Office of Secretary of State May 15, 1995.

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## CHAPTER 349

[Substitute Senate Bill 5162]

## VIETNAM VETERANS—TUITION EXEMPTIONS

AN ACT Relating to tuition exemptions for veterans; and amending RCW 28B.15.620.

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

Sec. 1. RCW 28B.15.620 and 1994 c 208 s 1 are each amended to read as follows:

(1) The legislature finds that military and naval veterans who have served their country in wars on foreign soil have risked their own lives to defend both the lives of all Americans and the freedoms that define and distinguish our nation. The legislature also finds that veterans of the Vietnam conflict suffered during and after the war as the country anguished over its involvement in the conflict. It is the intent of the legislature to honor Vietnam veterans for the public service they have provided to their country. It is the further intent of the legislature that, for eligible Vietnam veterans, colleges and universities waive tuition and fee increases that have occurred since October 1, 1977.

(2) Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may exempt veterans of the Vietnam conflict who have served in the southeast Asia theater of operations from the payment of all or a portion of any increase in tuition and fees that occur after October 1, 1977, if the veteran qualifies as a resident student under RCW 28B.15.012(~~(, was enrolled in state institutions of higher education on or before May 7, 1990, and meets the requirements of subsection (2) of this section)~~).

~~((2) Beginning with the fall academic term of 1994, veterans receiving the exemption under subsection (1) of this section must meet these additional requirements:~~

~~(a) Remain continuously enrolled for seven or more quarter credits per academic term or their equivalent, except summer term and not including community service courses;~~

~~(b) Have an adjusted gross family income as most recently reported to the internal revenue service that does not exceed Washington state's median family income as established by the federal bureau of the census; and~~

~~(c) Have exhausted all entitlement to federal vocational or educational benefits conferred by virtue of their military service.)~~

(3) For the purposes of this section, "veterans of the Vietnam conflict" shall be those persons who have been on active federal service as a member of the armed military or ~~((naval))~~ naval forces of the United States between a period commencing August 5, 1964, and ending on May 7, 1975.

(4) This section shall expire June 30, ~~((1997))~~ 1999.

Passed the Senate April 21, 1995.

Passed the House April 20, 1995.

Approved by the Governor May 15, 1995.

Filed in Office of Secretary of State May 15, 1995.

## CHAPTER 350

[Substitute House Bill 1123]

### OFFICE OF WASHINGTON STATE TRADE REPRESENTATIVE

AN ACT Relating to international trade; 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. (1) The legislature finds that:

(a) The expansion of international trade is vital to the overall growth of Washington's economy;

(b) On a per capita basis, Washington state is the most international trade dependent state in the nation;

(c) The north american free trade agreement (NAFTA) and the general agreement on tariffs and trade (GATT) highlight the increased importance of international trade opportunities to the United States and the state of Washington;

(d) The passage of NAFTA and GATT will have a major impact on the state's agriculture, aerospace, computer software, and textiles and apparel sectors;

(e) There is a need to strengthen and coordinate the state's activities in promoting and developing its agricultural, manufacturing, and service industries overseas, especially for small and medium-sized businesses, and minority and women-owned business enterprises; and

(f) The importance of having a coherent vision for advancing Washington state's interest in the global economy has rarely been so consequential as it is now.

(2) The legislature declares that the purpose of the office of the Washington state trade representative is to strengthen and expand the state's activities in marketing its goods and services overseas.

**NEW SECTION.** Sec. 2. The office of the Washington state trade representative is created under the office of the governor. The office shall serve as the state's official liaison with foreign governments on trade matters.

The office of the Washington state trade representative may accept or request grants or gifts from citizens and other private sources to be used to defray the costs of appropriate hosting of foreign dignitaries, including appropriate gift-giving and reciprocal gift-giving, or other activities of the office. The office shall open and maintain a bank account into which it shall deposit all money received under this section. Such money and the interest accruing thereon shall not constitute public funds, shall be kept segregated and apart from funds of the state, and shall not be subject to appropriation or allotment by the state or subject to chapter 43.88 RCW.

**\*NEW SECTION.** *Sec. 3. (1) The executive and administrative head of the office of the Washington state trade representative shall be the governor's special trade representative. The governor's special trade representative shall be appointed by the governor with consent of the senate, and shall serve at the pleasure of the governor. The governor's special trade representative shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.*

*(2) The governor's special trade representative shall supervise and administer the activities of the office of the Washington state trade representative and shall advise the governor and legislature with respect to trade matters affecting the state.*

*(3) The governor's special trade representative may establish a trade advisory council to:*

*(a) Advise the governor and legislature on mechanisms for enhancing the state export promotion and assistance efforts;*

*(b) Evaluate proposals for enhancement, coordination, and structure of the state's activities in international trade, including but not limited to proposals on new or expanded overseas trade offices, sister-state relations, and new trade priorities for the state, and make recommendations to the legislature and the governor on the merits of such proposals; and*

*(c) Provide the special trade representative with such advice and assistance as may be necessary to carry out the purposes of the office of the Washington state trade representative.*

*(4) The governor's special trade representative may hire such personnel as may be necessary for the general administration of the office. To the extent permitted by law, state agencies may temporarily assign staff to the office of the Washington state trade representative to assist in carrying out the office's duties and responsibilities under this chapter.*

*(5) The governor's special trade representative is authorized to:*

*(a) Consult with the department of agriculture and the various agricultural commissions, created in Title 15 RCW, on the promotion of Washington agricultural commodities overseas; and*

*(b) Consult with the department of community, trade, and economic development on the promotion of Washington goods and services overseas.*

*\*Sec. 3 was vetoed. See message at end of chapter.*

**NEW SECTION.** *Sec. 4. Sections 2 and 3 of this act shall constitute a new chapter in Title 43 RCW.*

Passed the House April 19, 1995.

Passed the Senate April 12, 1995.

Approved by the Governor May 16, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 16, 1995.

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. 1123 entitled:

"AN ACT Relating to international trade;"

I strongly support the efforts reflected in Substitute House Bill No. 1123 to enhance the position of Washington State in international trade. Our economy depends more on international trade than does any other state in the Union. Our economic future will be made in international markets, the source of many of the high wage jobs we now enjoy and will see more of in our future.

Last year, I established the position of state trade representative as a way of increasing the visibility of international trade in the state and the visibility of the state in international markets. I have been impressed with efforts so far and continue to believe that the position of state trade representative is a valuable and important component to increasing the visibility and focus of the state's trade efforts. As a result, I am pleased to establish the Office of State Trade Representative in statute.

However, section 3 of Substitute House Bill No. 1123 raises concerns. The section can be interpreted to establish a new agency for international trade. The state trade representative should not operate as a separate agency but should serve as an arm of the Governor's office, working collaboratively with the Department of Community, Trade and Economic Development and the Department of Agriculture to develop and implement a broad and unified trade strategy in concert with the trade community of our state.

The state trade representative must be the lead advocate on international trade issues that affect the enterprises and citizens of the state. Advocating the state's interests in federal, foreign, bilateral and multilateral forums, the state trade representative must work to focus state efforts on international trade, investment and tourism. The state trade representative must work closely with the wide community of interests in the state concerned with trade ensuring that their concerns are heard and that their broad expertise is utilized to benefit the state.

I am committed to ensuring that the state trade representative carries out this vision. In the near future, after consultation with legislators, affected state agencies, and the trade community, I will sign an executive order articulating the role of the state trade representative in greater detail.

For these reasons, I have vetoed section 3 of Substitute House Bill No. 1123.

With the exception of section 3, Substitute House Bill No. 1123 is approved."

## CHAPTER 351

[Substitute House Bill 1152]

### CONCEALED PISTOL LICENSES—FEES AND APPLICATIONS

AN ACT Relating to fees for concealed pistol licenses; and reenacting and amending RCW 9.41.070.

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

**Sec. 1.** RCW 9.41.070 and 1994 sp.s. c 7 s 407 and 1994 c 190 s 2 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)~~) five 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. The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours.

The applicant's constitutional right to bear arms shall not be denied, unless ~~((he or she))~~:

(a) He or she is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045;

(b) The applicant's concealed pistol license is in a revoked status;

(c) He or she is under twenty-one years of age;

~~((e))~~ (d) He or she is subject to a court order or injunction regarding firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070;

~~((f))~~ (e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense;

~~((g))~~ (f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor;

~~((h))~~ (g) He or she has been ordered to forfeit a firearm under RCW 9.41.098(1)~~((f))~~ (e) within one year before filing an application to carry a pistol concealed on his or her person; or

~~((i))~~ (h)(i) He or she has been convicted of any crime against a child or other person listed in RCW 43.43.830(5).

(ii) Except as provided in ~~((g))~~ (h)(iii) of this subsection, any person who becomes ineligible for a concealed pistol license as a result of a conviction for a crime listed in ~~((g))~~ (h)(i) of this subsection and then successfully completes all terms of his or her sentence, as evidenced by a certificate of discharge issued under RCW 9.94A.220 in the case of a sentence under chapter 9.94A RCW, and has not again been convicted of any crime and is not under indictment for any crime, may, one year or longer after such successful sentence completion, petition a court of record for a declaration that the person is no longer ineligible for a concealed pistol license under ~~((g))~~ (h)(i) of this subsection.

(iii) No person convicted of a serious offense as defined in RCW 9.41.010 may have his or her right to possess firearms restored, unless the person has been granted relief from disabilities by the secretary of the treasury under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(2) The issuing authority shall check with the national crime information center, the Washington state patrol electronic data base, the department of social and health services electronic data base, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a ~~((pistol))~~ firearm and therefore ineligible for a concealed pistol license. This subsection applies whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.



(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the secretary of the treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall ~~((be in triplicate, in form to be prescribed by the department of licensing, and shall))~~ bear the full name, ~~((street))~~ residential address, telephone number at the option of the applicant, date and place of birth, race, gender, description, not more than two complete sets of 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. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

The application for an original license shall include two complete sets of fingerprints to be forwarded to the Washington state patrol.

The license and 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 eligibility under RCW 9.41.040 to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen~~((, and whether he or she has been required to register with the state or federal government and has an identification or registration number))~~. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall meet the additional requirements of RCW 9.41.170 and produce proof of compliance with RCW 9.41.170 upon application. The license shall be in triplicate and in a form to be prescribed by the department of licensing.

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 the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an on-line format, all information received under this subsection.

(5) The nonrefundable fee, paid upon application, for the original (~~(issuance of a four-year)~~) five-year license shall be (~~(fifty)~~) thirty-six dollars plus additional charges imposed by the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

The fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) (~~(Ten)~~) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;

(c) (~~(Fifteen)~~) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(d) (~~(Ten)~~) Three dollars to the firearms range account in the general fund.

(6) The fee for the renewal of such license shall be (~~(fifty)~~) thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

(a) (~~(Twenty)~~) Fifteen dollars shall be paid to the state general fund;

(b) (~~(Twenty)~~) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(c) (~~(Ten)~~) Three dollars to the firearms range account in the general fund.

(7) The fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.

(8) 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.

(~~(8)~~) (9) 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 (~~(twenty)~~) ten dollars in addition to the renewal fee specified in subsection (6) of this section. The fee shall be distributed as follows:

(a) (~~(Ten)~~) 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) (~~(Ten)~~) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(~~(9)~~) (10) Notwithstanding the requirements of subsections (1) through (~~(8)~~) (9) 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.

(~~(10)~~) (11) 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.

~~((+1))~~ (12) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.

~~((+2))~~ (13) A person may apply for a concealed pistol license:

(a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;

(b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or

(c) Anywhere in the state if the applicant is a nonresident.

Passed the House April 20, 1995.

Passed the Senate April 14, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 352

[Substitute House Bill 1248]

### NEW THOROUGHBRED RACE TRACK—TAX DEFERRALS

AN ACT Relating to tax deferrals for a new thoroughbred race track facility; adding a new chapter to Title 82 RCW; and declaring an emergency.

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

**NEW SECTION.** See. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Person" has the meaning given in RCW 82.04.030.

(3) "Department" means the department of revenue.

(4) "Investment project" means construction of buildings, site preparation, and the acquisition of related machinery and equipment when the buildings, machinery, and equipment are to be used in the operation of a new thoroughbred race track.

(5) "New thoroughbred race track" means a site for thoroughbred horse racing located west of the Cascade mountains on which construction is commenced prior to July 1, 1998.

(6) "Buildings" means only those new structures such as ticket offices, concession areas, grandstands, stables, and other structures that are an essential or an integral part of a thoroughbred race track. If a building is used partly for use as an essential or integral part of a thoroughbred race track and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(7) "Machinery and equipment" means all fixtures, equipment, and support facilities that are an integral and necessary part of a thoroughbred race track.

(8) "Recipient" means a person receiving a tax deferral under this chapter.

(9) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(10) "Operationally complete" means constructed or improved to the point of being functionally useable for thoroughbred horse racing.

(11) "Initiation of construction" means that date upon which on-site construction commences.

**NEW SECTION. Sec. 2.** Application for deferral of taxes under this chapter shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the location of the investment project, estimated or actual costs, time schedules for completion and operation, and other information required by the department. The department shall rule on the application within sixty days.

**NEW SECTION. Sec. 3.** (1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each investment project. The use of the certificate shall be governed by rules established by the department.

(2) This section shall expire July 1, 1998.

**NEW SECTION. Sec. 4.** (1) The recipient shall begin paying the deferred taxes in the fifth year after the date certified by the department as the date on which the investment project is operationally complete. The first payment is due on December 31st of the fifth calendar year after such certified date, with subsequent annual payments due on December 31st of the following nine years with amounts of payment scheduled as follows:

Repayment Year	% of Deferred Tax Repaid
1	10%
2	10%
3	10%
4	10%
5	10%
6	10%
7	10%
8	10%
9	10%
10	10%

(2) The department may authorize an accelerated repayment schedule upon request of the recipient.

(3) Interest shall not be charged on any taxes deferred under this chapter for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments

under this chapter. The debt for deferred taxes is not extinguished by insolvency or other failure of the recipient.

**NEW SECTION.** Sec. 5. Chapter 82.32 RCW applies to the administration of this chapter.

**NEW SECTION.** Sec. 6. Applications and any other information received by the department under this chapter is not confidential and is subject to disclosure.

**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. Sections 1 through 7 of this act shall constitute a new chapter in Title 82 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 7, 1995.

Passed the Senate April 12, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

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## CHAPTER 353

[Substitute House Bill 1387]

### MASSAGE PRACTITIONER LICENSING

AN ACT Relating to massage practitioners; amending RCW 18.108.040, 18.108.085, 35.21.692, 35A.82.025, and 36.32.122; adding a new section to chapter 18.130 RCW; adding new sections to chapter 43.63A RCW; adding a new section to chapter 9.68A RCW; adding a new section to chapter 9A.88 RCW; prescribing penalties; and providing an expiration date.

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

**Sec. 1.** RCW 18.108.040 and 1991 c 3 s 255 are each amended to read as follows:

It shall be unlawful to advertise the practice of massage using the term massage or any other term that implies a massage technique or method in any public or private publication or communication by a person not licensed by the secretary as a massage practitioner or without printing in display advertisement the license number of the massage practitioner. Any person who holds a license to practice as a massage practitioner in this state may use the title "licensed massage practitioner" and the abbreviation "L.M.P.". No other persons may assume such title or use such abbreviation or any other word, letters, signs, or figures to indicate that the person using the title is a licensed massage practitioner.

**Sec. 2.** RCW 18.108.085 and 1991 c 3 s 259 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary may:

(a) Adopt rules, in accordance with chapter 34.05 RCW necessary to implement this chapter;

(b) Set all license, examination, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Issue a license to any applicant who has met the education, training, and examination requirements for licensure; and

(e) Hire clerical, administrative, and investigative staff as necessary to implement this chapter, and hire individuals licensed under this chapter to serve as examiners for any practical examinations.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the disciplining of persons under this chapter. The secretary shall be the disciplining authority under this chapter.

(3) Any license issued under this chapter to a person who is or has been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances shall automatically be revoked by the secretary upon receipt of a certified copy of the court documents reflecting such conviction. No further hearing or procedure is required, and the secretary has no discretion with regard to the revocation of the license. The revocation shall be effective even though such conviction may be under appeal, or the time period for such appeal has not elapsed. However, upon presentation of a final appellate decision overturning such conviction or upon completion of a prostitution prevention and intervention program under sections 7 through 15 of this act, the license shall be reinstated, unless grounds for disciplinary action have been found pursuant to chapter 18.130 RCW. Unless an applicant demonstrates that he or she has completed a prostitution prevention and intervention program under sections 7 through 15 of this act, no license may be granted under this chapter to any person who has been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances within the eight years immediately preceding the date of application. For purposes of this subsection, "convicted" does not include a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence, but does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(4) The secretary shall keep an official record of all proceedings under this chapter, a part of which record shall consist of a register of all applicants for licensure under this chapter, with the result of each application.

**NEW SECTION. Sec. 3.** A new section is added to chapter 18.130 RCW to read as follows:

RCW 18.108.085 shall govern the issuance and revocation of licenses issued or applied for under chapter 18.108 RCW to or by persons convicted of violating

RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances.

*\*Sec. 4. RCW 35.21.692 and 1991 c 182 s 1 are each amended to read as follows:*

*(1) A state licensed massage practitioner seeking a city or town license to operate a massage business must provide verification of his or her state massage license as provided for in RCW 18.108.030.*

*(2) The city or town may charge a licensing or operating fee, but the fee charged a state licensed massage practitioner shall not exceed the licensing or operating fee imposed on ~~((similar health care providers, such as physical therapists or occupational therapists,))~~ other licensees operating within the same city or town and such fees shall be reasonable and shall not exceed the costs of the processing and administration of the licensing procedure.*

*(3) A state licensed massage practitioner ~~((is not))~~ may be subject to additional licensing requirements ~~((not currently imposed on similar health care providers, such as physical therapists or occupational therapists))~~ under RCW 18.108.100.*

*\*Sec. 4 was vetoed. See message at end of chapter.*

*\*Sec. 5. RCW 35A.82.025 and 1991 c 182 s 2 are each amended to read as follows:*

*(1) A state licensed massage practitioner seeking a city license to operate a massage business must provide verification of his or her state massage license as provided for in RCW 18.108.030.*

*(2) The city may charge a licensing or operating fee, but the fee charged a state licensed massage practitioner shall not exceed the licensing or operating fee imposed on ~~((similar health care providers, such as physical therapists or occupational therapists,))~~ other licensees operating within the same city and such fees shall be reasonable and shall not exceed the costs of the processing and administration of the licensing procedure.*

*(3) A state licensed massage practitioner ~~((is not))~~ may be subject to additional licensing requirements ~~((not currently imposed on similar health care providers, such as physical therapists or occupational therapists))~~ under RCW 18.108.100.*

*\*Sec. 5 was vetoed. See message at end of chapter.*

*\*Sec. 6. RCW 36.32.122 and 1991 c 182 s 3 are each amended to read as follows:*

*(1) A state licensed massage practitioner seeking a county license to operate a massage business must provide verification of his or her state massage license as provided for in RCW 18.108.030.*

*(2) The county may charge a licensing or operating fee, but the fee charged a state licensed massage practitioner shall not exceed the licensing or operating fee imposed on ~~((similar health care providers, such as physical therapists or occupational therapists,))~~ other licensees operating within the*

same county and such fees shall be reasonable and shall not exceed the costs of the processing and administration of the licensing procedure.

(3) A state licensed massage practitioner ((is-not)) may be subject to additional licensing requirements ((not-currently-imposed-on-similar-health-care-providers, such-as-physical-therapists-or-occupational-therapists)) under RCW 18.108.100.

\*Sec. 6 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 7. A new section is added to chapter 43.63A RCW to read as follows:

There is established in the department of community, trade, and economic development a grant program to enhance funding for prostitution prevention and intervention services. Activities that can be funded through this grant program shall provide effective prostitution prevention and intervention services, such as counseling, parenting, housing relief, education, and vocational training, that:

- (1) Comprehensively address the problems of persons who are prostitutes; and
- (2) Enhance the ability of persons to leave or avoid prostitution.

NEW SECTION. Sec. 8. A new section is added to chapter 43.63A RCW to read as follows:

(1) Applications for funding under this chapter must:

- (a) Meet the criteria in section 7 of this act; and
- (b) Contain evidence of active participation of the community and its commitment to providing effective prevention and intervention services for prostitutes through the participation of local governments, tribal governments, networks under chapter 70.190 RCW, human service and health organizations, and treatment entities and through meaningful involvement of others, including citizen groups.

(2) Local governments, networks under chapter 70.190 RCW, nonprofit community groups, and nonprofit treatment providers including organizations that provide services, such as emergency housing, counseling, and crisis intervention shall, among others, be eligible for grants established under section 7 of this act.

NEW SECTION. Sec. 9. A new section is added to chapter 43.63A RCW to read as follows:

At a minimum, grant applications must include the following:

- (1) The proposed geographic service area;
- (2) A description of the extent and effect of the needs for prostitution prevention and intervention within the relevant geographic area;
- (3) An explanation of how the funds will be used, their relationship to existing services available within the community, and the need that they will fulfill;
- (4) An explanation of what organizations were involved in the development of the proposal; and



(5) The methods that will be employed to measure the success of the program.

**NEW SECTION. Sec. 10.** A new section is added to chapter 43.63A RCW to read as follows:

(1) Subject to funds appropriated by the legislature, including funds in the prostitution prevention and intervention account, the department of community, trade, and economic development shall make awards under the grant program established by section 7 of this act.

(2) Awards shall be made competitively based on the purposes of and criteria in sections 7 through 9 of this act.

(3) Activities funded under this section may be considered for funding in future years, but shall be considered under the same terms and criteria as new activities. Funding of a program or activity under this chapter shall not constitute an obligation by the state of Washington to provide ongoing funding.

(4) The department of community, trade, and economic development may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the grant program established under section 7 of this act and expend the same or any income from these sources according to the terms of the gifts, grants, or endowments.

(5) The department of community, trade, and economic development may expend up to five percent of the funds appropriated for the grant program for administrative costs and grant supervision.

**NEW SECTION. Sec. 11.** A new section is added to chapter 43.63A RCW to read as follows:

The prostitution prevention and intervention account is created in the state treasury. All designated receipts from fees under sections 12 and 13 of this act shall be deposited into the account. Expenditures from the account may be used only for funding the grant program to enhance prostitution prevention and intervention services under section 7 of this act.

**NEW SECTION. Sec. 12.** A new section is added to chapter 9.68A RCW to read as follows:

(1)(a) In addition to penalties set forth in RCW 9.68A.100, a person who is either convicted or given a deferred sentence or a deferred prosecution as a result of an arrest for violating RCW 9.68A.100 or a comparable county or municipal ordinance shall be assessed a two hundred fifty dollar fee.

(b) The court may not suspend payment of all or part of the fee unless it finds that the person does not have the ability to pay.

(c) When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation of RCW 9.68A.100 or a comparable county or municipal ordinance, the court shall assess the fee under (a) of this subsection. The court may not suspend payment of all or part of the fee unless it finds that the minor does not have the ability to pay the fee.

(2) The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and distributed each month to the state treasurer for deposit in the prostitution prevention and intervention account under section 11 of this act for the purpose of funding prostitution prevention and intervention activities.

**NEW SECTION. Sec. 13.** A new section is added to chapter 9A.88 RCW to read as follows:

(1)(a) In addition to penalties set forth in RCW 9A.88.010, 9A.88.030, and 9A.88.090, a person who is either convicted or given a deferred sentence or a deferred prosecution as a result of an arrest for violating RCW 9A.88.010, 9A.88.030, 9A.88.090, or comparable county or municipal ordinances shall be assessed a fifty dollar fee.

(b) In addition to penalties set forth in RCW 9A.88.110, a person who is either convicted or given a deferred sentence or a deferred prosecution as a result of an arrest for violating RCW 9A.88.110 or a comparable county or municipal ordinance shall be assessed a one hundred fifty dollar fee.

(c) In addition to penalties set forth in RCW 9A.88.070 and 9A.88.080, a person who is either convicted or given a deferred sentence or a deferred prosecution as a result of an arrest for violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal ordinances shall be assessed a three hundred dollar fee.

(2) The court may not suspend payment of all or part of the fee unless it finds that the person does not have the ability to pay.

(3) When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation under this chapter or comparable county or municipal ordinances, the court shall assess the fee as specified under subsection (1) of this section. The court may not suspend payment of all or part of the fee unless it finds that the minor does not have the ability to pay the fee.

(4) Any fee assessed under this section shall be collected by the clerk of the court and distributed each month to the state treasurer for deposit in the prostitution prevention and intervention account under section 11 of this act for the purpose of funding prostitution prevention and intervention activities.

**NEW SECTION. Sec. 14.** The amendments to RCW 35.21.692, 35A.82.025, and 36.32.122 contained in sections 4 through 6 of this act shall expire July 1, 1997.

Passed the House April 20, 1995.

Passed the Senate April 13, 1995.

Approved by the Governor May 16, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 16, 1995.

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

"I am returning herewith, without my approval as to sections 4, 5, and 6, Substitute House Bill No. 1387 entitled:

"AN ACT Relating to massage practitioners;"

Substitute House Bill No. 1387 establishes stiff penalties for massage practitioners engaged in prostitution and will enable local law enforcement and the state to crack down on abuses.

Sections 4, 5, and 6 would prohibit cities and counties from imposing a higher business license on massage therapists than on other business professionals. Although I support this objective, these sections also restrict local governments utilizing professional licensing from raising revenue above the cost of administration of the licensing function. Eliminating this revenue source would result in a significant loss of revenue needed to defray on-going related costs borne by cities and counties.

For this reason, I am vetoing sections 4, 5, and 6 of Substitute House Bill No. 1387.

With the exception of sections 4, 5, and 6, Substitute House Bill No. 1387 is approved."

## CHAPTER 354

[Substitute House Bill 1434]

### PUBLIC UTILITY DISTRICTS—BID PROCEDURES

AN ACT Relating to public utility districts bid procedures; and amending RCW 54.04.082.

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

**Sec. 1.** RCW 54.04.082 and 1993 c 198 s 15 are each amended to read as follows:

For the awarding of a contract to purchase any item, or items of the same kind of materials, equipment, or supplies in an amount exceeding five thousand dollars, but less than ~~((fifteen))~~ thirty-five thousand dollars, exclusive of sales tax, the commission may, in lieu of the procedure described in RCW 54.04.070 and 54.04.080 requiring public notice to invite sealed proposals for such materials, equipment, or supplies, pursuant to commission resolution use the process provided in RCW 39.04.190. Waiver of the deposit or bid bond required under RCW 54.04.080 may be authorized by the commission in securing such bid quotations.

Passed the House March 10, 1995.

Passed the Senate April 7, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 355

[Second Substitute House Bill 1524]

## WEIGHTS AND MEASURES

AN ACT Relating to weights and measures; amending RCW 19.94.005, 19.94.010, 19.94.160, 19.94.165, 19.94.175, 19.94.185, 19.94.190, 19.94.216, 19.94.250, 19.94.255, 19.94.280, 19.94.320, 19.94.360, 19.94.410, 19.94.390, and 19.94.510; adding new sections to chapter 19.94 RCW; adding a new section to chapter 15.80 RCW; creating new sections; prescribing penalties; providing effective dates; and declaring an emergency.

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

**NEW SECTION.** **Sec. 1.** (1) Except as provided in subsection (4) of this section for the initial registration of an instrument or device, no weighing or measuring instrument or device may be used for commercial purposes in the state unless its commercial use is registered annually. If its commercial use is within a city that has a city sealer and a weights and measures program as provided by RCW 19.94.280, the commercial use of the instrument or device shall be registered with the city if the city has adopted fees pursuant to subsection (2) of this section. If its commercial use is outside of such a city, the commercial use of the instrument or device shall be registered with the department.

(2) A city with such a sealer and program may establish an annual fee for registering the commercial use of such a weighing or measuring instrument or device with the city. The annual fee shall not exceed the fee established in RCW 19.94.175 for registering the use of a similar instrument or device with the department. Fees upon weighing or measuring instruments or devices within the jurisdiction of the city that are collected under this subsection by city sealers shall be deposited into the general fund, or other account, of the city as directed by the governing body of the city.

(3) Registrations with the department are accomplished as part of the master license system under chapter 19.02 RCW. Payment of the registration fee for a weighing or measuring instrument or device under the master license system constitutes the registration required by this section.

(4) The fees established by or under RCW 19.94.175 for registering a weighing or measuring instrument or device shall be paid to the department of licensing concurrently with an application for a master license or with the annual renewal of a master license under chapter 19.02 RCW. A weighing or measuring instrument or device shall be initially registered with the state at the time the owner applies for a master license for a new business or at the first renewal of the license that occurs after the instrument or device is first placed into commercial use. However, the use of an instrument or device that is in commercial use on the effective date of this act shall be initially registered at the time the first renewal of the master license of the owner of the instrument or device is due following the effective date of this act. The department of licensing shall remit to the department of agriculture all fees collected under this provision less reasonable collection expenses.

(5) Each city charging registration fees under this section shall notify the department of agriculture at the time such fees are adopted and whenever changes in the fees are adopted.

**NEW SECTION. Sec. 2.** (1) Except as provided in subsection (3) of this section and RCW 19.94.190(1)(d), the department shall test and inspect each biennium a sufficient number of weighing and measuring instruments and devices to ensure that the provisions of this chapter are enforced.

(2) The department may issue an official seal of approval for each weighing or measuring instrument or device that has been tested and inspected and found to be correct.

(3) Except as provided in RCW 19.94.216, this section does not apply to weighing or measuring instruments or devices located in an area of the state that is within a city that has a city sealer and a weights and measures program pursuant to RCW 19.94.280 unless the city sealer does not possess the equipment necessary to test and inspect the weighing or measuring instrument or device.

**Sec. 3.** RCW 19.94.005 and 1992 c 237 s 1 are each amended to read as follows:

The legislature finds:

(1) The accuracy of weighing and measuring instruments and devices used in commerce in the state of Washington affects every consumer throughout the state and is of vital importance to the public interest.

(2) Fair weights and measures are equally important to business and the consumer.

~~(3) ((A continuing study of this state's weights and measures program is necessary to ensure that the program provides proper enforcement and oversight to safeguard consumers, business, and interstate commerce.~~

~~(4))~~ This chapter safeguards the consuming public and ensures that businesses receive proper compensation for the commodities they deliver.

**Sec. 4.** RCW 19.94.010 and 1992 c 237 s 3 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter and to any rules adopted pursuant to this chapter.

(a) "City" means a first class city with a population of over fifty thousand persons.

(b) "City sealer" means the person duly authorized by a city to enforce and administer the weights and measures program within such city and any duly appointed deputy sealer acting under the instructions and at the direction of the city sealer.

(c) "Commodity in package form" means a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive, however, of an auxiliary shipping container enclosing packages that individually conform to the requirements of this chapter. An individual item

or lot of any commodity not in packaged form, but on which there is marked a selling price based on established price per unit of weight or of measure, shall be construed to be a commodity in package form.

(d) "Consumer package" or "package of consumer commodity" means a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by persons, or used by persons for the purpose of personal care or in the performance of services ordinarily rendered in or about a household or in connection with personal possessions.

(e) "Cord" means the measurement of wood intended for fuel or pulp purposes that is contained in a space of one hundred twenty-eight cubic feet, when the wood is ranked and well stowed.

(f) "Department" means the department of agriculture of the state of Washington.

(g) "Director" means the director of the department or duly authorized representative acting under the instructions and at the direction of the director.

(h) "Fish" means any waterbreathing animal, including shellfish, such as, but not limited to, lobster, clam, crab, or other mollusca that is prepared, processed, sold, or intended for sale.

(i) "Net weight" means the weight of a commodity excluding any materials, substances, or items not considered to be part of such commodity. Materials, substances, or items not considered to be part of a commodity shall include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons.

(j) "Nonconsumer package" or "package of nonconsumer commodity" means a commodity in package form other than a consumer package and particularly a package designed solely for industrial or institutional use or for wholesale distribution only.

(k) "Meat" means and shall include all animal flesh, carcasses, or parts of animals, and shall also include fish, shellfish, game, poultry, and meat food products of every kind and character, whether fresh, frozen, cooked, cured, or processed.

(l) "Official seal of approval" means the (~~uniform~~) seal or certificate issued by the director or city sealer which indicates that a secondary weights and measures standard or a weighing or measuring instrument or device conforms with the specifications, tolerances, and other technical requirements adopted in RCW 19.94.195.

(m) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

(n) "Poultry" means all fowl, domestic or wild, that is prepared, processed, sold, or intended or offered for sale.

(o) "Service agent" means a person who for hire, award, commission, or any other payment of any kind, installs, tests, inspects, checks, adjusts, repairs, reconditions, or systematically standardizes the graduations of a weighing or measuring instrument or device.

(p) "Ton" means a unit of two thousand pounds avoirdupois weight.

(q) "Weighing or measuring instrument or device" means any equipment or apparatus used commercially to establish the size, quantity, capacity, count, extent, area, heaviness, or measurement of quantities, things, produce, or articles for distribution or consumption, that are purchased, offered or submitted for sale, hire, or award on the basis of weight, measure or count, including any accessory attached to or used in connection with a weighing or measuring instrument or device when such accessory is so designed or installed that its operation affects, or may effect, the accuracy or indication of the device. This definition shall be strictly limited to those weighing or measuring instruments or devices governed by Handbook 44 as adopted under RCW 19.94.195.

(r) "Weight" means net weight as defined in this section.

(s) "Weights and measures" means the recognized standards or units of measure used to indicate the size, quantity, capacity, count, extent, area, heaviness, or measurement of any consumable commodity.

(t) "Secondary weights and measures standard" means ~~((any object))~~ the physical standards that are traceable to the primary standards through comparisons, used by the director, a city sealer, or a service agent that under specified conditions defines or represents a recognized weight or measure during the inspection, adjustment, testing, or systematic standardization of the graduations of any weighing or measuring instrument or device.

(2) The director shall prescribe by rule other definitions as may be necessary for the implementation of this chapter.

Sec. 5. RCW 19.94.160 and 1992 c 237 s 5 are each amended to read as follows:

Weights and measures standards that are in conformity with the standards of the United States as have been supplied to the state by the federal government or otherwise obtained by the state for use as state weights and measures standards, shall, when the same shall have been certified as such by the national institute of standards and technology or any successor organization, be the ~~((state))~~ primary standards of weight and measure. The state weights and measures standards shall be kept in a place designated by the director and shall ~~((not be removed from such designated place except for repairs or for certification. These state weights and measures standards shall be submitted at least once every ten years to))~~ be maintained in such calibration as prescribed by the national institute of standards and technology or any successor organization ~~((for certification))~~.

Sec. 6. RCW 19.94.165 and 1992 c 237 s 6 are each amended to read as follows:

~~((1) Unless otherwise provided by the department,)) All weighing or measuring instruments or devices used for commercial purposes within this state shall be ~~((inspected and tested for accuracy by the director or city sealer at least once every two years and, if found to be))~~ correct~~((, the director or city sealer shall issue an official seal of approval for each such instrument or device.~~~~

~~(2) Beginning fiscal year 1993, the schedule of inspection and testing shall be staggered so as one-half of the weighing or measuring instruments or devices under the jurisdiction of the inspecting and testing authority are approved in odd fiscal years and the remaining one-half are inspected and tested in even fiscal years.~~

~~(3) The department may provide, as needed, uniform, official seals of approval to city sealers for the purposes expressed in this section).~~

Sec. 7. RCW 19.94.175 and 1992 c 237 s 7 are each amended to read as follows:

~~((1) The department shall establish reasonable, biennial inspection and testing fees for each type or class of weighing or measuring instrument or device required to be inspected and tested under this chapter. These inspection and testing fees shall be equitably prorated within each such type or class and shall be limited to those amounts necessary for the department to cover, to the extent possible, the direct costs associated with the inspection and testing of each type or class of weighing or measuring instrument or device.~~

~~(2) Prior to the establishment and each amendment of the fees authorized under this chapter, a weights and measures fee task force shall be convened under the direction of the department. The task force shall be composed of a representative from the department who shall serve as chair and one representative from each of the following: City sealers, service agents, service stations, grocery stores, retailers, food processors/dealers, oil heat dealers, the agricultural community, and liquid propane dealers. The task force shall recommend the appropriate level of fees to be assessed by the department pursuant to subsection (1) of this section, based upon the level necessary to cover the direct costs of administering and enforcing the provisions of this chapter and to the extent possible be consistent with fees reasonably and customarily charged in the private sector for similar services.~~

~~(3) The fees authorized under this chapter may be billed only after the director or a city sealer has issued an official seal of approval for a weighing or measuring instrument or device or a weight or measure standard.~~

~~(4) All fees shall become due and payable thirty days after billing by the department or a city sealer. A late penalty of one and one-half percent per month may be assessed on the unpaid balance more than thirty days in arrears.)~~

(1) Pursuant to section 1 of this act, the following annual registration fees shall be charged for each weighing or measuring instrument or device used for commercial purposes in this state:

(a) Weighing devices:



- (i) Small scales "zero to four hundred pounds capacity" . . . . . \$ 5.00
- (ii) Intermediate scales "four hundred one pounds to five thousand pounds capacity" . . . . . \$ 20.00
- (iii) Large scales "over five thousand pounds capacity" . . . . \$ 52.00
- (iv) Large scales with supplemental devices . . . . . \$ 52.00
- (v) Railroad track scales . . . . . \$800.00
- (b) Liquid fuel metering devices:
  - (i) Motor fuel meters with flows of less than twenty gallons per minute . . . . . \$ 5.00
  - (ii) Motor fuel meters with flows of more than twenty but not more than one hundred fifty gallons per minute . . . . . \$ 16.00
  - (iii) Motor fuel meters with flows over one hundred fifty gallons per minute . . . . . \$ 25.00
- (c) Liquid petroleum gas meters:
  - (i) With one inch diameter or smaller dispensers . . . . . \$ 10.00
  - (ii) With greater than one inch diameter dispensers . . . . . \$ 30.00
- (d) Fabric meters . . . . . \$ 5.00
- (e) Cordage meters . . . . . \$ 5.00
- (f) Mass flow meters . . . . . \$ 14.00
- (g) Taxi meters . . . . . \$ 5.00

~~((5) Fees upon weighing or measuring instruments or devices within the jurisdiction of the city that are collected under this section by city sealers shall be deposited into the general fund, or other account, of the city as directed by the governing body of the city. On the thirtieth day of each month, city sealers shall, pursuant to procedures established and upon forms provided by the director, remit to the department for administrative costs ten percent of the total fees collected.~~

~~((6)) (2) With the exception of subsection ((7)) (3) of this section, no person shall be required to pay more than the established ((inspection and testing)) fee adopted under this section for any weighing or measuring instrument or device in any ((two-year period when the same has been found to be correct)) one year.~~

~~((7) Whenever a special request is made by the owner for the inspection and testing of a weighing or measuring instrument or device, the fee prescribed by the director for such a weighing or measuring instrument or device shall be paid by the owner.)~~

(3) The department or a city sealer may establish reasonable inspection and testing fees for each type or class of weighing or measuring instrument or device specially requested to be inspected or tested by the device owner. These inspection and testing fees shall be limited to those amounts necessary for the department or city sealer to cover the direct costs associated with such inspection

and testing. The fees established under this subsection shall not be set so as to compete with service agents normally engaged in such services.

Sec. 8. RCW 19.94.185 and 1992 c 237 s 8 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, all moneys collected under this chapter shall be payable to the director and placed in the weights and measures account hereby established in the ((state treasury)) agricultural local fund. Moneys deposited in this account ((may be spent only following appropriation by law and)) shall be used solely for the purposes of ((weighing or measuring instrument or device inspection and testing)) implementing or enforcing this chapter. No appropriation is required for the disbursement of moneys from the weights and measures account by the director.

(2) Civil penalties collected by the department under RCW 19.94.510 and sections 22 and 23 of this act shall be deposited in the state general fund.

(3) By January 1st of each odd-numbered year, the department shall provide a written report on the amount of revenues by major category received under this chapter, including the metrology laboratory, for the administration of the weights and measures program by the department. The report shall include the amount of revenue generated for the two previous biennia, an estimate of the amount of funds to be received during the current biennium, and an estimate of the amount of funds to be generated during the next ensuing biennium. The report shall be submitted to the office of financial management, and to each committee in the legislature with jurisdiction over programs administered by the department in the house and the senate.

Sec. 9. RCW 19.94.190 and 1992 c 237 s 9 are each amended to read as follows:

(1) The director and duly appointed city sealers shall enforce the provisions of this chapter. The director shall adopt rules for enforcing and carrying out the purposes of this chapter including but not limited to the following:

(a) Establishing state standards of weight, measure, or count, and reasonable standards of fill for any commodity in package form;

(b) The establishment of technical and reporting procedures to be followed, any necessary report and record forms, and marks of rejection to be used by the director and city sealers in the discharge of their official duties as required by this chapter;

(c) The establishment of technical test procedures, reporting procedures, and any necessary record and reporting forms to be used by service agents when testing and inspecting instruments or devices under RCW 19.94.255(3) or when otherwise installing, repairing, inspecting, or standardizing the graduations of any weighing or measuring instruments or devices;

(d) ~~((The establishment of fee payment and reporting procedures and any necessary report and record forms to be used by city sealers when remitting the percentage of total fees collected as required under this chapter;~~

~~(e))~~ The establishment of exemptions from the ~~((sealing or))~~ marking ~~((inspection and testing))~~ or tagging requirements of RCW 19.94.250 with respect to weighing or measuring instruments or devices of such character or size that such ~~((sealing or))~~ marking or tagging would be inappropriate, impracticable, or damaging to the apparatus in question;

~~((f))~~ (e) The establishment of exemptions from the inspection and testing requirements of ~~((RCW 19.94.165))~~ section 2 of this act with respect to classes of weighing or measuring instruments or devices found to be of such character that periodic inspection and testing is unnecessary to ensure continued accuracy; ~~(and~~

~~(g))~~ (f) The establishment of inspection and approval techniques, if any, to be used with respect to classes of weighing or measuring instruments or devices that are designed specifically to be used commercially only once and then discarded, or are uniformly mass-produced by means of a mold or die and are not individually adjustable; and

(g) The establishment of inspection and testing procedures to be used for classes of weighing or measuring instruments or devices found to be few in number, highly complex, and of such character that differential or special inspection and testing is necessary, including railroad track scales. The department's procedures shall include requirements for the provision, maintenance, and transport of any weight or measure necessary for the inspection and testing at no expense to the state.

(2) These rules shall also include specifications and tolerances for the acceptable range of accuracy required of weighing or measuring instruments or devices and shall be designed to eliminate from use, without prejudice to weighing or measuring instruments or devices that conform as closely as practicable to official specifications and tolerances, those (a) that are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly, or (b) that facilitate the perpetration of fraud.

**Sec. 10.** RCW 19.94.216 and 1992 c 237 s 12 are each amended to read as follows:

The department shall:

(1) Biennially inspect and test the secondary weights and measures standards of any city for which the appointment of a city sealer is provided by this chapter and shall issue an official seal of approval for same when found to be correct. The department shall, by rule, establish a reasonable fee for ~~((such))~~ this and any other inspection and testing services performed by the department's metrology laboratory. Each such fee shall recover at least seventy-five percent of the laboratory's costs incurred in performing the service governed by the fee on or before June 30, 1998. The fees established under this subsection may be increased in excess of the fiscal growth factor as provided in RCW 43.135.055 for the fiscal year ending 1996, 1997, and 1998. For fiscal year 1999 and

thereafter, the fees established under this subsection may not be increased by an amount greater than the fiscal growth factor as provided in RCW 43.135.055.

(2) Biennially inspect~~((;))~~ and test~~((, and, if found to be correct, issue an official seal of approval for))~~ any weighing or measuring instrument or device used in an agency or institution to which moneys are appropriated by the legislature or of the federal government and shall report any findings in writing to the executive officer of the agency or institution concerned. The department shall collect a reasonable fee, to be set by rule, for testing any such weighing or measuring instrument or device.

~~((3) Inspect, test, and, if found to be correct, issue a seal of approval for classes of weighing or measuring instruments or devices found to be few in number, highly complex, and of such character that differential inspection and testing frequency is necessary including, but not limited to, railroad track scales and grain elevator scales. The department shall develop rules regarding the inspection and testing procedures to be used for such weighing or measuring instruments or devices which shall include requirements for the provision, maintenance, and transport of any weight or measure standard necessary for inspection and testing at no expense to the state. The department may collect a reasonable fee, to be set by rule, for inspecting and testing any such weighing and measuring instruments or devices. This fee shall not be unduly burdensome and shall cover, to the extent possible, the direct costs of performing such service:))~~

Sec. 11. RCW 19.94.250 and 1992 c 237 s 16 are each amended to read as follows:

(1) ~~((The director or a city sealer shall, from time to time, inspect any weighing or measuring instrument or device, except those weighing or measuring instruments or devices exempted under the authority of RCW 19.94.190, to determine if it is correct:))~~ If the director or a city sealer discovers upon inspection that a weighing or measuring instrument or device is "incorrect," but in his or her best judgment is susceptible of satisfactory repair, he or she shall reject and mark or tag as rejected any such weighing or measuring instrument or device.

(2) The director or a city sealer may reject or seize any weighing or measuring instrument or device found to be incorrect that, in his or her best judgment, is not susceptible of satisfactory repair.

(3) Weighing or measuring instruments or devices that have been rejected under subsection (1) of this section may be confiscated and may be destroyed by the director or a city sealer if not corrected as required by RCW 19.94.255 or if used or disposed of contrary to the requirements of that section.

(4) The director or a city sealer shall permit the use of an incorrect weighing or measuring instrument or device, pending repairs, if the device is incorrect to the economic benefit of the consumer and the consumer is not the seller. However, if the director or city sealer finds such an error, the director or city

sealer shall notify the owner of the instrument or device, or the owner's representative at the business location, regarding the error.

Sec. 12. RCW 19.94.255 and 1992 c 237 s 17 are each amended to read as follows:

(1) Weighing or measuring instruments or devices that have been rejected under the authority of the director or a city sealer shall remain subject to the control of the rejecting authority until such time as suitable repair or disposition thereof has been made as required by this section.

(2) The owner of any weighing or measuring instrument or device that has been marked or tagged as rejected by the director or a city sealer shall cause the same to be made correct within thirty days or such longer period as may be authorized by the rejecting authority. In lieu of correction, the owner of such weighing and measuring instrument or device may dispose of the same, but only in the manner specifically authorized by the rejecting authority.

(3) Weighing and measuring instruments or devices that have been rejected shall not again be used commercially until they have been ~~((officially))~~ reexamined and ~~((, if))~~ found to be correct ~~((, had an official seal of approval placed upon or issued for such weighing or measuring instrument or device by the rejecting authority))~~ by the department, city sealer, or a service agent registered with the department.

(4) If a weighing or measuring instrument or device marked or tagged as rejected is placed back into commercial service by a service agent registered with the department, the agent shall provide a signed certification to the owner or operator of the instrument or device so indicating and shall report to the rejecting authority as provided by rule under RCW 19.94.190(1)(c).

Sec. 13. RCW 19.94.280 and 1992 c 237 s 20 are each amended to read as follows:

(1) There may be a city sealer in every city and such deputies as may be required by ordinance of each such city to administer and enforce the provisions of this chapter.

(2) Each city electing to have a city sealer shall adopt rules for the appointment and removal of the city sealer and any deputies required by local ordinance. The rules for appointment of a city sealer and any deputies must include provisions for the advice and consent of the local governing body of such city and, as necessary, any provisions for local civil service laws and regulations.

~~(3) ((A city sealer shall adopt the fee amounts established by the director pursuant to RCW 19.94.165. No city shall adopt or charge an inspection, testing, or licensing fee or any other fee upon a weighing or measuring instrument or device that is in excess of the fee amount adopted under RCW 19.94.165.~~

~~(4))~~ A city sealer shall keep a complete and accurate record of all official acts performed under the authority of this chapter and shall submit an annual report to the governing body of his or her city and shall make any reports as may be required by the director.

(4) The city sealer shall test and inspect a sufficient number of weighing and measuring instruments and devices to ensure that the provisions of this chapter are enforced in the city. This subsection does not apply to weighing or measuring instruments or devices for which the sealer does not have the necessary testing or inspection equipment or to instruments or devices that are to be inspected by the department under RCW 19.94.216(2).

(5) A city sealer may issue an official seal of approval for each weighing or measuring instrument or device that has been inspected and tested and found to be correct.

**Sec. 14.** RCW 19.94.320 and 1992 c 237 s 22 are each amended to read as follows:

(1) In cities for which city sealers have been appointed as provided for in this chapter, the director shall have general ~~((supervisory))~~ oversight powers over ~~((such))~~ city ~~((sealers))~~ weights and measures programs and may, when he or she deems it reasonably necessary, exercise concurrent authority to carry out the provisions of this chapter.

(2) When the director elects to exercise concurrent authority within a city with a duly appointed city sealer, the director's powers and duties relative to this chapter shall be in addition to the powers granted in any such city by law or charter.

**NEW SECTION.** **Sec. 15.** (1) Except as authorized by the department, a service agent who intends to provide the examination that permits a weighing or measuring instrument or device to be placed back into commercial service under RCW 19.94.255(3) shall receive an official registration certificate from the director prior to performing such a service. This registration requirement does not apply to the department or a city sealer.

(2) Except as provided in section 17 of this act, a registration certificate is valid for one year. It may be renewed by submitting a request for renewal to the department.

**NEW SECTION.** **Sec. 16.** (1) Each request for an official registration certificate shall be in writing, under oath, and on a form prescribed by the department and shall contain any relevant information as the director may require, including but not limited to the following:

(a) The name and address of the person, corporation, partnership, or sole proprietorship requesting registration;

(b) The names and addresses of all individuals requesting an official registration certificate from the department; and

(c) The tax registration number as required under RCW 82.32.030 or uniform business identifier provided on a master license issued under RCW 19.02.070.

(2) Each individual when submitting a request for an official registration certificate or a renewal of such a certificate shall pay a fee to the department in the amount of eighty dollars per individual.

(3) The department shall issue a decision on a request for an official registration certificate within twenty days of receipt of the request. If an individual is denied their request for an official registration certificate, the department must notify that individual in writing stating the reasons for the denial and shall refund any payments made by that individual in connection with the request.

**NEW SECTION. Sec. 17.** (1) The department shall have the power to revoke, suspend, or refuse to renew the official registration certificate of any service agent for any of the following reasons:

(a) Fraud or deceit in obtaining an official registration certificate under this chapter;

(b) A finding by the department of a pattern of intentional fraudulent or negligent activities in the installation, inspection, testing, checking, adjusting, or systematically standardizing and approving the graduations of any weighing or measuring instrument or device;

(c) Knowingly placing back into commercial service any weighing or measuring instrument or device that is incorrect;

(d) A violation of any provision of this chapter; or

(e) Conviction of a crime or an act constituting a crime under the laws of this state, the laws of another state, or federal law.

(2) Upon the department's revocation of, suspension of, or refusal to renew an official registration certificate, an individual shall have the right to appeal this decision in accordance with the administrative procedure act, chapter 34.05 RCW.

**Sec. 18.** RCW 19.94.360 and 1969 c 67 s 36 are each amended to read as follows:

In addition to the declarations required by RCW 19.94.350, any commodity in package form, the package being one of a lot containing random weights, measures or counts of the same commodity (~~and bearing the total selling price of the package~~) at the time it is exposed for sale at retail, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure, or count and the total selling price of the package.

**Sec. 19.** RCW 19.94.410 and 1988 c 63 s 1 are each amended to read as follows:

~~((1) Except as provided in subsection (2) of this section,))~~ Butter, oleomargarine and margarine shall be offered and exposed for sale and sold by weight (~~and only in units of one quarter pound, one half pound, one pound or multiples of one pound, avoirdupois weight.~~

~~(2) The director of agriculture may allow the sale of butter specialty products in nonstandard units of weight if the purpose achieved by using such nonstandard units is decorative in nature and the products are clearly labeled as to weight and price per pound)).~~

**Sec. 20.** RCW 19.94.390 and 1969 c 67 s 39 are each amended to read as follows:

(1) Whenever any commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser. Whenever an advertised, poster or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and one-half the width of the numerals representing the whole cents.

(2) The examination procedure recommended for price verification by the price verification working group of the laws and regulations committee of the national conference on weights and measures (as reflected in the fourth draft, dated November 1 1994 for devices such as electronic scanners shall govern such examinations conducted under this chapter. The procedure shall be deemed to be adopted under this chapter. However, the department may revise the procedure as follows: The department shall provide notice of and conduct a public hearing pursuant to chapter 34.05 RCW to determine whether any revisions to this procedure made by the national institute of standards and technology or its successor organization for incorporating the examination procedure into an official handbook of the institute or its successor, or any subsequent revisions of the handbook regarding such procedures shall also be adopted under this chapter. If the department determines that the procedure should be so revised it may adopt the revisions. Violations of this section regarding the use of devices such as electronic scanners may be found only as provided by the examination procedures adopted by or under this subsection.

(3) Electronic scanner screens installed after January 1, 1996, and used in retail establishments must be visible to the consumer at the checkout line.

**Sec. 21.** RCW 19.94.510 and 1992 c 237 s 35 are each amended to read as follows:

(1) Any person who, by himself or herself, by his or her agent or employee, or as the agent or employee of another person, performs any one of the acts enumerated in (a) through ~~((4))~~ (1) of this subsection is subject to a civil penalty of no more than one thousand dollars:

(a) Use or have in possession for the purpose of using for any commercial purpose a weighing or measuring instrument or device that is intentionally calculated to falsify any weight, measure, or count of any commodity, or to sell, offer, expose for sale or hire or have in possession for the purpose of selling or hiring an incorrect weighing or measuring instrument or device or any weighing or measuring instrument or device calculated to falsify any weight or measure.

(b) Knowingly use or have in possession for current use in the buying or selling of any commodity or thing, for hire or award, or in the computation of any basic charge or payment for services rendered on the basis of weight,



measurement, or count, or in the determination of weight, measurement or count, when a charge is made for such determination, any incorrect weighing or measuring instrument or device.

(c) Dispose of any rejected weighing or measuring instrument or device in a manner contrary to law or rule.

(d) Remove from any weighing or measuring instrument or device, contrary to law or rule, any tag, seal, stamp or mark placed thereon by the director or a city sealer.

(e) Sell, offer or expose for sale less than the quantity he or she represents of any commodity, thing or service.

(f) Take more than the quantity he or she represents of any commodity, thing, or service when, as buyer, he or she furnishes the weight, measure, or count by means of which the amount of the commodity, thing or service is determined.

(g) Keep for the purpose of sale, advertise, offer or expose for sale or sell any commodity, thing or service known to be in a condition or manner contrary to law or rule.

(h) Use in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weighing or measuring instrument or device that is not so positioned that its indications may be accurately read and the weighing or measuring operation observable from some position which may reasonably be assumed by a customer.

(i) Knowingly approve or issue an official seal of approval for any weighing or measuring instrument or device known to be incorrect.

(j) Find a weighing or measuring instrument or device to be correct under RCW 19.94.255 when the person knows the instrument or device is incorrect.

(k) Fails to disclose to the department or a city sealer any knowledge of information relating to, or observation of, any device or instrument added to or modifying any weighing or measuring instrument or device for the purpose of selling, offering, or exposing for sale, less than the quantity represented of a commodity or calculated to falsify weight or measure, if the person is a service agent.

~~((\*)~~) (l) Violate any other provision of this chapter or of the rules adopted under the provisions of this chapter for which a specific penalty has not been prescribed.

(2) Any person who, by himself or herself, by his or her agent or employee, or as the agent or employee of another person, violates RCW 19.94.390 as determined by the examination procedure adopted by or under RCW 19.94.390(2) is subject to a civil penalty of not more than one thousand dollars.

(3) Any person who, by himself or herself, by his or her agent or employee, or as the agent or employee of another person, performs any of the following acts is subject to a civil penalty of no more than five thousand dollars:

(a) Knowingly adds to or modifies any weighing or measuring instrument or device by the addition of a device or instrument that would allow the sale, or

the offering or exposure for sale, of less than the quantity represented of a commodity or falsification of weight or measure.

(b) Commits as a fourth or subsequent infraction any of the acts listed in subsection (1) or (2) of this section.

NEW SECTION. Sec. 22. A person who owns a weighing or measuring instrument or device and uses or permits the use of the instrument for commercial purposes in violation of section 1 of this act is subject to a civil penalty of fifty dollars for each such instrument or device used or permitted to be used in violation of section 1 of this act.

NEW SECTION. Sec. 23. (1) Whenever the department or a city sealer tests or inspects a weighing or measuring instrument or device and finds the instrument or device to be incorrect to the economic benefit of the owner/operator of the weighing or measuring instrument or device and to the economic detriment of the customer, the owner of the weighing or measuring instrument or device may be subject to the following civil penalties:

Device deviations outside the tolerances stated in Handbook 44.

	<u>Penalty</u>
Small weighing or measuring instruments or devices:	
First violation . . . . .	\$ 50.00
Second or subsequent violation within one year of first violation	\$150.00
Medium weighing or measuring instruments or devices:	
First violation . . . . .	\$100.00
Second or subsequent violation within one year of first violation	\$300.00
Large weighing or measuring instruments or devices:	
First violation . . . . .	\$200.00
Second or subsequent violation within one year of first violation	\$500.00

(2) For the purposes of this section:

(a) The following are small weighing or measuring instruments or devices: Scales of zero to four hundred pounds capacity, liquid fuel metering devices with flows of not more than twenty gallons per minute, liquid petroleum gas meters with one inch in diameter or smaller dispensers, fabric meters, cordage meters, and taxi meters.

(b) The following are medium weighing or measuring instruments or devices: Scales of four hundred one to five thousand pounds capacity, liquid fuel metering devices with flows of more than twenty but not more than one hundred fifty gallons per minute, and mass flow meters.

(c) The following are large weighing or measuring instruments or devices: Liquid petroleum gas meters with greater than one inch diameter dispensers, liquid fuel metering devices with flows over one hundred fifty gallons per minute, and scales of more than five thousand pounds capacity and scales of more than five thousand pounds capacity with supplemental devices.

(3) The director or a city sealer shall issue the appropriate civil penalty concurrently with the conclusion of the test or inspection.

(4) The weighing or measuring instrument or device owner shall have the right to appeal the civil penalty in accordance with the administrative procedure act, chapter 34.05 RCW.

**NEW SECTION.** Sec. 24. (1) The legislature finds that:

(a) Civil and criminal penalties relating to violations of weights and measures provisions and the disclosure of these violations to the media have recently come under public scrutiny, resulting in the appropriate nature of such actions being called into question;

(b) It is vital to the public interest that the state ensure the uniform application of weights and measures procedures and penalties throughout the state; and

(c) It is necessary to review the application of civil and criminal penalties for violations of weights and measures provisions and the disclosure of these violations to the media.

(2) The legislature hereby establishes the weights and measures enforcement task force. The task force shall be composed of a representative of the department of agriculture and a representative of each of the following: City sealers, city prosecuting attorneys, attorneys general's offices, service stations, grocery stores, retailers, food processors/dealers, the agriculture community, oil and heat dealers, liquid propane dealers, the media, and consumer groups.

(3) The intent of this section is to require a study to:

(a) Analyze the current civil and criminal provisions of state and local weights and measures programs and the disclosure of violations of these provisions to the media.

(b) Consider whether the current level of civil and criminal provisions of state and local weights and measures programs and the disclosure of violations of these provisions to the media are appropriate.

(c) Identify the effects upon both sellers and consumers in the marketplace of civil and criminal provisions of state and local weights and measures programs and the disclosure of violations of these provisions to the media.

(d) Recommend to the legislature possible alternative enforcement mechanisms based on the findings of the study.

(4) The weights and measures enforcement task force shall present its final findings and any recommended legislation to the committees of the legislature that deal with law and justice matters no later than November 30, 1995.

(5) This section shall expire on December 31, 1995.

**NEW SECTION.** Sec. 25. A new section is added to chapter 15.80 RCW to read as follows:

All moneys collected under this chapter shall be placed in the weights and measures account created in RCW 19.94.185.

**NEW SECTION.** Sec. 26. Sections 1, 2, 15 through 17, 22, and 23 of this act are each added to chapter 19.94 RCW.

NEW SECTION. **Sec. 27.** This act applies prospectively only and not retroactively. It applies only to causes of action that arise or that are commenced on or after the effective date of this act. This act does not affect any liability or obligation arising prior to the effective date of this act.

NEW SECTION. **Sec. 28.** (1) Sections 2 through 6 and 8 through 25 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

(2) Sections 1 and 7 of this act shall take effect January 1, 1996.

Passed the House April 23, 1995.

Passed the Senate April 23, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 356

[House Bill 1534]

### ENGINEERS AND LAND SURVEYORS REGISTRATION REQUIREMENTS REVISED

AN ACT Relating to engineers and professional land surveyors; amending RCW 18.43.020, 18.43.040, 18.43.050, and 18.43.070; adding a new section to chapter 18.43 RCW; and providing an effective date.

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

**Sec. 1.** RCW 18.43.020 and 1991 c 19 s 1 are each amended to read as follows:

(1) Engineer: The term "engineer" as used in this chapter shall mean a professional engineer as hereinafter defined.

(2) Professional engineer: The term "professional engineer" within the meaning and intent of this chapter, shall mean a person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as hereinafter defined, as attested by his or her legal registration as a professional engineer.

(3) Engineer-in-training: The term "engineer-in-training" as used in this chapter ~~((shall))~~ means ~~a candidate ((for registration as a professional engineer who is a graduate in an approved engineering curriculum of four years or more from a school or college approved by the board as of satisfactory standing, or who has had four years or more of experience in engineering work of a character satisfactory to the board; and who, in addition, has))~~ who has: (a) Satisfied the experience requirements in RCW 18.43.040 for registration; (b) successfully passed the examination in the fundamental engineering subjects ~~((prior to completion of the requisite years of experience in engineering work as provided in RCW 18.43.060, and who shall have received a certificate stating that he or~~

~~she has successfully passed this portion of the professional examination)); and (c) is enrolled by the board as an engineer-in-training.~~

(4) Engineering: The term "engineering" as used in this chapter shall mean the "practice of engineering" as hereinafter defined.

(5) Practice of engineering: The term "practice of engineering" within the meaning and intent of this chapter shall mean any professional service or creative work requiring engineering education, training, and experience and the application of special knowledge of the mathematical, physical, and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects.

A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this chapter, who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself or herself to be a professional engineer, or through the use of some other title implies that he or she is a professional engineer; or who holds himself or herself out as able to perform, or who does perform, any engineering service or work or any other professional service designated by the practitioner or recognized by educational authorities as engineering.

The practice of engineering shall not include the work ordinarily performed by persons who operate or maintain machinery or equipment.

~~(6) Land surveyor: The term "land surveyor" as used in this chapter shall mean a ((person who, through technical knowledge and skill gained by education and/or by experience, is qualified to practice land surveying as hereinafter defined)) professional land surveyor.~~

(7) Professional land surveyor: The term "professional land surveyor" as used in this chapter means a person who, by reason of his or her special knowledge of the mathematical and physical sciences and principles and practices of land surveying, which is acquired by professional education and practical experience, is qualified to practice land surveying and as attested to by his or her legal registration as a professional land surveyor.

(8) Land-surveyor-in-training: The term "land-surveyor-in-training" as used in this chapter means a candidate who: (a) Has satisfied the experience requirements in RCW 18.43.040 for registration; (b) successfully passes the examination in the fundamental land surveying subjects; and (c) is enrolled by the board as a land-surveyor-in-training.

(9) Practice of land surveying: The term "practice of land surveying" within the meaning and intent of this chapter, shall mean assuming responsible charge of the surveying of land for the establishment of corners, lines, boundaries, and monuments, the laying out and subdivision of land, the defining and locating of corners, lines, boundaries and monuments of land after they have been

established, the survey of land areas for the purpose of determining the topography thereof, the making of topographical delineations and the preparing of maps and accurate records thereof, when the proper performance of such services requires technical knowledge and skill.

(10) Board: The term "board" as used in this chapter shall mean the state board of registration for professional engineers and land surveyors, provided for by this chapter.

Sec. 2. RCW 18.43.040 and 1991 c 19 s 2 are each amended to read as follows:

The following will be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional engineer, engineer-in-training, ~~((or))~~ professional land surveyor, or land-surveyor-in-training, respectively~~((, to wit))~~:

As a professional engineer: A specific record of eight years or more of experience in engineering work of a character satisfactory to the board and indicating that the applicant is competent to practice engineering; and successfully passing a written or oral examination, or both, in engineering as prescribed by the board.

Graduation in an approved engineering curriculum of four years or more from a school or college approved by the board as of satisfactory standing shall be considered equivalent to four years of such required experience. The satisfactory completion of each year of such an approved engineering course without graduation shall be considered as equivalent to a year of such required experience. Graduation in a curriculum other than engineering from a school or college approved by the board shall be considered as equivalent to two years of such required experience: PROVIDED, That no applicant shall receive credit for more than four years of experience because of undergraduate educational qualifications. The board may, at its discretion, give credit as experience not in excess of one year, for satisfactory postgraduate study in engineering.

As an engineer-in-training: ~~((The board shall permit))~~ An applicant for registration as a professional engineer~~((, upon his or her request, to))~~ shall take the prescribed examination in two stages. The first stage of the examination may be taken upon submission of his or her application for registration as an engineer-in-training and payment of the application fee ~~((herein))~~ prescribed~~((,))~~ in RCW 18.43.050 at any time after the applicant has completed four years of the required engineering experience, as defined ~~((above))~~ in this section, or has achieved senior standing in a school or college approved by the board. The first stage of the examination shall test the applicant's knowledge of appropriate fundamentals of engineering subjects, including mathematics and the basic sciences.

At any time after the completion of the required eight years of engineering experience, as defined ~~((above))~~ in this section, the applicant may take the second stage of the examination~~((,))~~ upon submission of an application for registration and payment of the application fee ~~((herein))~~ prescribed in RCW

18.43.050. This stage of the examination shall test the applicant's ability, upon the basis of his or her greater experience, to apply his or her knowledge and experience in the field of his or her specific training and qualifications.

As a professional land surveyor: A specific record of ~~((six))~~ eight years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying, and successfully passing a written or oral examination, or both, in surveying as prescribed by the board.

Graduation from a school or college approved by the board as of satisfactory standing, including the completion of an approved course in surveying, shall be considered equivalent to four years of ~~((such))~~ the required experience. Postgraduate college courses approved by the board shall be considered for up to one additional year of the required experience.

As a land-surveyor-in-training: An applicant for registration as a professional land surveyor shall take the prescribed examination in two stages. The first stage of the examination may be taken upon submission of his or her application for registration as a land-surveyor-in-training and payment of the application fee prescribed in RCW 18.43.050 at any time after the applicant has completed four years of the required land surveying experience, as defined in this section, or has achieved senior standing in a school or college approved by the board. The first stage of the examination shall test the applicant's knowledge of appropriate fundamentals of land surveying subjects, including mathematics and the basic sciences.

At any time after the completion of the required eight years of land surveying experience, as defined in this section, the applicant may take the second stage of the examination upon submission of an application for registration and payment of the application fee prescribed in RCW 18.43.050. This stage of the examination shall test the applicant's ability, upon the basis of greater experience, to apply knowledge and experience in the field of land surveying.

The first stage shall be successfully completed before the second stage may be attempted. Applicants who have been approved by the board to take the examination based on the requirement for six years of experience under this section before the effective date of this act are eligible to sit for the examination.

No person shall be eligible for registration as a professional engineer, engineer-in-training, ~~((or))~~ professional land surveyor, or land-surveyor-in-training, who is not of good character and reputation.

~~((Engineering))~~ Teaching, of a character satisfactory to the board~~((or))~~ shall be considered as experience not in excess of two years for ~~((professional engineering and one year for land surveying))~~ the appropriate profession.

The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be practice of engineering.

Any person having the necessary qualifications prescribed in this chapter to entitle him or her to registration shall be eligible for such registration although the person may not be practicing his or her profession at the time of making his or her application.

**Sec. 3.** RCW 18.43.050 and 1991 c 19 s 3 are each amended to read as follows:

Application for registration shall be on forms prescribed by the board and furnished by the director, shall contain statements made under oath, showing the applicant's education and detail summary of his or her technical work and shall contain not less than five references, of whom three or more shall be engineers having personal knowledge of the applicant's engineering experience.

The registration fee for professional engineers shall be determined by the director as provided in RCW 43.24.086, which shall accompany the application and shall include the cost of examination and issuance of certificate. The fee for engineer-in-training shall be determined by the director as provided in RCW 43.24.086, which shall accompany the application and shall include the cost of examination and issuance of certificate.

The registration fee for professional land surveyors shall be determined by the director as provided in RCW 43.24.086, which shall accompany the application and shall include the cost of examination and issuance of certificate. The fee for land-surveyor-in-training shall be determined by the director as provided in RCW 43.24.086, which shall accompany the application and shall include the cost of examination and issuance of certificate.

Should the board find an applicant ineligible for registration, the registration fee shall be retained as an application fee.

**Sec. 4.** RCW 18.43.070 and 1991 c 19 s 5 are each amended to read as follows:

The director of licensing shall issue a certificate of registration upon payment of a registration fee as provided for in this chapter, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. In case of a registered engineer, the certificate shall authorize the practice of "professional engineering" and specify the branch or branches in which specialized, and in case of a registered land surveyor, the certificate shall authorize the practice of "land surveying".

In case of engineer-in-training, the certificate shall state that the applicant has successfully passed the examination in fundamental engineering subjects required by the board and has been enrolled as an "engineer-in-training". In case of land-surveyor-in-training, the certificate shall state that the applicant has successfully passed the examination in fundamental surveying subjects required by the board and has been enrolled as a "land-surveyor-in-training." All certificates of registration shall show the full name of the registrant, shall have a serial number, and shall be signed by the chairman and the secretary of the board and by the director of licensing.



The issuance of a certificate of registration by the director of licensing shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered professional engineer or a registered land surveyor, while the said certificate remains unrevoked and unexpired.

Each registrant hereunder shall upon registration obtain a seal of the design authorized by the board, bearing the registrant's name and the legend "registered professional engineer" or "registered land surveyor". Plans, specifications, plats and reports prepared by the registrant shall be signed, dated, and stamped with said seal or facsimile thereof. Such signature and stamping shall constitute a certification by the registrant that the same was prepared by or under his or her direct supervision and that to his or her knowledge and belief the same was prepared in accordance with the requirements of the statute. It shall be unlawful for anyone to stamp or seal any document with said seal or facsimile thereof after the certificate of registrant named thereon has expired or been revoked, unless said certificate shall have been renewed or reissued.

**NEW SECTION. Sec. 5.** A new section is added to chapter 18.43 RCW to read as follows:

The board may adopt rules under this section authorizing a retired status certificate. An individual certificated under this chapter who has reached the age of sixty-five years and has retired from the active practice of engineering and land surveying may, upon application and at the discretion of the board, be exempted from payment of annual renewal fees thereafter.

**NEW SECTION. Sec. 6.** This act shall take effect July 1, 1996.

Passed the House April 20, 1995.

Passed the Senate April 14, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 357

[Substitute House Bill 1632]

### EXCHANGE OF STATE-OWNED TIDELANDS AND SHORELANDS

AN ACT Relating to exchanging tidelands, shorelands, and beds of navigable waters; and adding a new section to chapter 79.90 RCW.

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

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

The department of natural resources may exchange state-owned tidelands and shorelands with private and other public landowners if the exchange is in the public interest and will actively contribute to the public benefits established in RCW 79.90.455. The board of natural resources shall adopt rules which establish criteria for determining when a proposed exchange is in the public interest and actively contributes to the public benefits established in RCW

79.90.455. The department may not exchange state-owned harbor areas or waterways.

Passed the House April 19, 1995.  
Passed the Senate April 6, 1995.  
Approved by the Governor May 16, 1995.  
Filed in Office of Secretary of State May 16, 1995.

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**CHAPTER 358**

[Substitute House Bill 1677]

**SCHOOL DISTRICTS—APPRAISAL REQUIRED  
BEFORE PURCHASE OF REAL PROPERTY**

AN ACT Relating to requiring school districts to obtain an appraisal before purchasing real property; and amending RCW 28A.335.090 and 28A.335.120.

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

**Sec. 1.** RCW 28A.335.090 and 1990 c 33 s 358 are each amended to read as follows:

(1) The board of directors of each school district shall have exclusive control of all school property, real or personal, belonging to the district; said board shall have power, subject to RCW 28A.335.120, in the name of the district, to convey by deed all the interest of their district in or to any real property of the district which is no longer required for school purposes. Except as otherwise specially provided by law, and RCW 28A.335.120, the board of directors of each school district may purchase, lease, receive and hold real and personal property in the name of the district, and rent, lease or sell the same, and all conveyances of real estate made to the district shall vest title in the district.

(2) Any purchase of real property by a school district shall be preceded by a market value appraisal by a professionally designated real estate appraiser as defined in RCW 74.46.020 who was selected by the board of directors.

**Sec. 2.** RCW 28A.335.120 and 1991 c 116 s 13 are each amended to read as follows:

(1) The board of directors of any school district of this state may:

(a) Sell for cash, at public or private sale, and convey by deed all interest of the district in or to any of the real property of the district which is no longer required for school purposes; and

(b) Purchase real property for the purpose of locating thereon and affixing thereto any house or houses and appurtenant buildings removed from school sites owned by the district and sell for cash, at public or private sale, and convey by deed all interest of the district in or to such acquired and improved real property.

(2) When the board of directors of any school district proposes a sale of school district real property pursuant to this section and the value of the property exceeds seventy thousand dollars, the board shall publish a notice of its intention to sell the property. The notice shall be published at least once each week

during two consecutive weeks in a legal newspaper with a general circulation in the area in which the school district is located. The notice shall describe the property to be sold and designate the place where and the day and hour when a hearing will be held. The board shall hold a public hearing upon the proposal to dispose of the school district property at the place and the day and hour fixed in the notice and admit evidence offered for and against the propriety and advisability of the proposed sale.

(3) The board of directors of any school district desiring to sell surplus real property shall publish a notice in a newspaper of general circulation in the school district. School districts shall not sell the property for at least forty-five days following the publication of the newspaper notice.

(4) Private schools shall have the same rights as any other person or entity to submit bids for the purchase of surplus real property and to have such bids considered along with all other bids.

(5) Any sale of school district real property authorized pursuant to this section shall be preceded by a market value appraisal by ~~((three licensed real estate brokers or))~~ a professionally designated real estate appraiser~~((s))~~ as defined in RCW 74.46.020 selected by the board of directors and no sale shall take place if the sale price would be less than ninety percent of the ~~((average of the three))~~ appraisal~~((s))~~ made by the ~~((brokers or))~~ professionally designated real estate appraiser~~((s))~~: PROVIDED, That if the property has been on the market for one year or more the property may be reappraised and sold for not less than seventy-five percent of the ~~((average))~~ reappraised value with the unanimous consent of the board.

(6) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through use of the services of licensed real estate brokers, a contract for such services may be negotiated and concluded: PROVIDED, That the use of a licensed real estate broker will not eliminate the obligation of the board of directors to provide the notice described in this section: PROVIDED FURTHER, That the fee or commissions charged for any broker services shall not exceed seven percent of the resulting sale value for a single parcel: PROVIDED FURTHER, That any ~~((licensed real estate broker or))~~ professionally designated real estate appraiser~~((s))~~ as defined in RCW 74.46.020 selected by the board to appraise the market value of a parcel of property to be sold may not be a party to any contract with the school district to sell such parcel of property for a period of three years after the appraisal.

(7) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through sale on contract terms, a real estate sales contract may be executed between the district and buyer: PROVIDED, That the terms and conditions of any such sales contract must comply with rules and regulations of the state board of education, herein authorized, governing school district real property contract sales.

Passed the House March 8, 1995.  
 Passed the Senate April 14, 1995.  
 Approved by the Governor May 16, 1995.  
 Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 359

[Engrossed Substitute House Bill 1810]

### MODEL TOXICS CONTROL ACT—CLEANUP STANDARDS

AN ACT Relating to the authority of the state for cleanup standards under the model toxics control act; creating new sections; and providing an expiration date.

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

NEW SECTION. **Sec. 1.** (1) The department of ecology shall establish a policy advisory committee to provide advice to the legislature and the department on administrative and legislative actions to more effectively implement the model toxics control act, chapter 70.105D RCW. The committee shall consist of the following members:

(a) Four legislative members selected as provided in subsection (2) of this section;

(b) Four representatives of citizen and environmental organizations;

(c) Four representatives of business, including two representatives of small business and two representatives of large business;

(d) One representative of counties;

(e) One representative of cities;

(f) One representative of ports;

(g) One member of the scientific advisory board created under RCW 70.105D.030(4);

(h) One representative of an environmental consulting firm engaged in the remediation of contaminated sites;

(i) Not more than three additional members selected by the department from recommendations provided by the committee; and

(j) The directors of the departments of ecology and health or their designees.

(2) The president of the senate and the speaker of the house of representatives may each appoint one member from each major caucus in the senate and the house of representatives, respectively, to serve as members of the committee.

(3) In making appointments under subsection (1) (b), (c), (d), (e), (f), (g), and (h) of this section, the department shall select from the lists of recommendations submitted by recognized regional or state-wide organizations representing the interests of that category.

(4) The initial meeting of the committee shall be scheduled no later than August 1, 1995. At the initial meeting the members shall select a presiding officer and adopt procedures for carrying out their duties under sections 2 and 3 of this act. In conducting its review the committee shall, wherever possible, operate on a consensus basis and, when consensus is not possible to achieve, the

committee should encourage the development of recommendations that are broadly supported within the committee. Where consensus is not achieved, other views within the committee shall be included in any reports required by sections 2 and 3 this act.

(5) The committee may divide itself into subcommittees. The committee should seek input from people who are interested in its work and who will, in the committee's view, bring experience or technical or interdisciplinary insight to a thoughtful consideration of the issues before the committee.

(6) The department shall provide staffing and other assistance to the committee, including facilitators from within or outside of state government if requested. Such assistance shall include information in response to reasonable requests from the committee, provided that the information is not protected by attorney-client privilege.

(7) Legislative members of the committee shall be reimbursed for travel expenses as provided in RCW 44.04.120. If other members would not be able to participate in the committee's activities because of travel expenses or other financial limitations on the ability to participate fully, the department shall certify the members as entitled to reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(8) At the initial meeting attended by a committee member, the member shall identify the nature of his or her interest in the outcome of matters before the committee. This information shall include the type of organization to which the member belongs and the general nature of the membership and/or business interest of that organization. Thereafter, a committee member shall disclose any potential conflicts of interest or bias that subsequently arise or of which the committee member subsequently becomes aware. A member shall refrain from participating in any matter that the member for any reason cannot act fairly, objectively, and in the public interest with regard to that matter.

**NEW SECTION. Sec. 2.** (1) The policy advisory committee shall review, provide advice, and develop recommendations on the following subjects, at a minimum:

(a) Clean-up standards and clean-up levels, including the use of site-specific risk assessment;

(b) Policies, rules, and procedures, including the use of cost, current and future land use, and other criteria in the selection of clean-up remedies;

(c) How the department carries out the clean-up program in practice, including training, and accountability for clean-up decisions and their implementation;

(d) Improving the clean-up process to provide additional incentives to potentially liable parties to fully and expeditiously fund cleanups;

(e) The need for adoption of and recommended levels for ecologically based clean-up standards; and

(f) A review of the effectiveness of independent cleanups.

(2) The committee shall begin meeting no later than August 1, 1995, to review the model toxics control act and its implementation to date. The committee is encouraged to submit recommendations on policies of state-wide or regional significance to the department at any point during its review. The committee shall submit a preliminary report not later than December 15, 1995, to the appropriate legislative committees, that identifies priority questions and issues that the committee intends to address. The preliminary report shall identify the schedule and approach planned for analyzing these priority issues. The committee shall develop a procedure to allow other interested parties to propose additional questions and issues for review. Any questions and issues the committee chooses to address shall be of regional or state-wide significance. It is not the intent that this committee become engaged in site-specific clean-up decisions at pilot projects or any other sites.

(3) The committee shall submit a final report to the department and the appropriate legislative committees not later than December 15, 1996, on the priority issues it has identified for review. In addition to action recommendations, the final report may identify issues and priorities for further study, including a recommendation as to whether the committee should continue in existence.

(4) The department shall assist the committee's review under this section by preparing case studies of a variety of site cleanups involving differing contaminants, quantities of contaminants, media affected, populations exposed, present and future land and resource uses, and other factors. The committee shall seek input from the affected community, potentially liable persons involved in the cleanup and other participants in the clean-up process at the site and include this input in the information included on the case study. The case studies, along with the other information gathered in the review, shall be used by the committee to provide advice and develop recommendations on the questions and issues addressed by the committee.

NEW SECTION. Sec. 3. (1) Not later than October 1, 1995, the policy advisory committee shall select two pilot projects from a list of proposed pilot project sites provided by the department. The purpose of the pilot projects is to evaluate alternative methods for accomplishing faster, less-expensive, and an equally protective degree of cleanup at complex sites, within the framework provided by the model toxics control act and the rules adopted under the model toxics control act. Pilot projects shall comply with the model toxics control act and the rules adopted under the model toxics control act. Public participation in the clean-up process for these sites shall be as provided in such rules. In order to be eligible for a pilot project, a site shall be conducting remedial actions under an order, agreed order, or consent decree under the model toxics control act and there shall not be significant opposition from the public potentially affected by the site. In addition, the following criteria shall be used by the department and the committee when recommending and selecting a site as a pilot project site:

(a) The presence of multiple parties at the site and the willingness of these persons to participate in a pilot project;

(b) The source of contamination at the site. Sites contaminated as a result of current or past industrial activities shall be given a preference over other sites;

(c) The stage of cleanup at the site. Sites that are in the process of preparing or for which there is recently completed a remedial investigation/feasibility study shall be given preference over other sites; and

(d) The degree of community support for selecting a site as a pilot project site. To determine the degree of community support, the department shall first consult with interested community and environmental groups. Thereafter, before proposing a site as a pilot project the department shall issue a public notice identifying the site and seeking public comment on the potential for the site to be a pilot project site.

(2) In the pilot projects the department shall include with the remedial investigation/feasibility study required under the model toxics control act any additional or alternative risk assessments or other analyses that potentially liable persons may wish to prepare at their expense for the purpose of exploration of improved methods to accomplish cleanup under the model toxics control act. The department shall provide technical assistance to identify an appropriate scope for such supplemental analyses, so that the analyses may prove useful in considering improvements to existing practices, policies, rules, and procedures. The department may establish a reasonable schedule for the preparation of any supplemental analyses. The preparation and evaluation of any supplemental analyses shall not result in a delay in remedial actions at the pilot sites. The analyses shall be included in the remedial investigation/feasibility study regardless of whether the department fully concurred in their scope. The department may simultaneously prepare or commission its own supplemental analyses at its own expense, as distinct from department-conducted or department-commissioned or contracted technical review of supplemental analyses prepared by potentially liable persons, which shall remain subject to cost recovery under the model toxics control act.

(3) In consultation with the potentially liable persons and affected public for each site, the department's site managers shall to the fullest extent possible use the administrative principles set forth, for both the clean-up process and for clean-up standards, as well as other flexible tools available in the rules adopted under the model toxics control act.

(4) In order to avoid misunderstanding and promote constructive dialogue, the public participation plan for each site shall be designed or revised to educate and involve the public on the nature of the pilot project, the specific issues being explored at the site, and the purpose and scope of any alternative or supplemental analyses.

(5) The department shall prepare a report on each pilot project highlighting any policy issues raised as a result of the pilot project and providing a copy of the remedial investigation/feasibility study and any supplemental analyses and

public comments received for each pilot project to the policy advisory committee. The report shall be submitted to the committee within ninety days after the comment period ends on the remedial investigation/feasibility study for that site. The department shall also keep the committee informed about decisions made regarding the pilot project sites and progress made in implementation of cleanup at these sites. The intent is for the committee to use the information acquired from the pilot projects to supplement other information used in developing policy recommendations under section 2 of this act. The department shall submit a status report to the policy advisory committee no later than March 31, 1996, including an estimated schedule for reporting on each pilot project.

(6) Nothing in this act shall be construed to prevent or limit the department from fully employing all procedures and standards available under the model toxics control act or the rules adopted to implement the model toxics control act with respect to any site, whether or not it is being considered as a possible pilot project under this section.

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, 1995, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 5. This act shall expire January 15, 1997.

Passed the House April 20, 1995.

Passed the Senate April 14, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 360

[Engrossed Substitute House Bill 1820]

### TOWING OF VEHICLES—REVISIONS

AN ACT Relating to towing vehicles; amending RCW 46.55.063, 46.55.090, 46.55.100, 46.55.110, 46.55.120, 46.55.140, 46.20.435, and 46.61.625; adding a new section to chapter 46.37 RCW; adding a new section to chapter 46.55 RCW; and prescribing penalties.

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

NEW SECTION. Sec. I. A new section is added to chapter 46.37 RCW to read as follows:

(1) "Safety chains" means flexible tension members connected from the front portion of the towed vehicle to the rear portion of the towing vehicle for the purpose of retaining connection between towed and towing vehicle in the event of failure of the connection provided by the primary connecting system, as prescribed by rule of the Washington state patrol.

(2) The term "safety chains" includes chains, cables, or wire ropes, or an equivalent flexible member meeting the strength requirements prescribed by rule of the Washington state patrol.



(3) A tow truck towing a vehicle and a vehicle towing a trailer must use safety chains. Failure to comply with this section is a class 1 civil infraction punishable under RCW 7.80.120.

**NEW SECTION. Sec. 2.** A new section is added to chapter 46.55 RCW to read as follows:

A vehicle engaging in the business of recovery of disabled vehicles for monetary compensation, from or on a public road or highway must either be operated by a registered tow truck operator, or someone who at a minimum has insurance in a like manner and amount as prescribed in RCW 46.55.030(3), and have had their tow trucks inspected in a like manner as prescribed by RCW 46.55.040(1). The department shall adopt rules to enforce this section. Failure to comply with this section is a class 1 civil infraction punishable under RCW 7.80.120.

**Sec. 3.** RCW 46.55.063 and 1989 c 111 s 7 are each amended to read as follows:

(1) An operator shall file a fee schedule with the department. All filed fees must be adequate to cover the costs of service provided. No fees may exceed those filed with the department. At least ten days before the effective date of any change in an operator's fee schedule, the registered tow truck operator shall file the revised fee schedule with the department.

(2) Towing contracts with private property owners shall be in written form and state the hours of authorization to impound, the persons empowered to authorize the impounds, and the present charge of a private impound for the classes of tow trucks to be used in the impound, and must be retained in the files of the registered tow truck operator for three years.

(3) A fee that is charged for tow truck service must be calculated on an hourly basis, and after the first hour must be charged to the nearest quarter hour.

(4) ~~((A)) Fees that ((#)) are~~ charged for the storage of a vehicle, or for other items of personal property registered or titled with the department, must be calculated on a twenty-four hour basis and must be charged to the nearest half day from the time the vehicle arrived at the secure storage area. However, items of personal property registered or titled with the department that are wholly contained within an impounded vehicle are not subject to additional storage fees; they are, however, subject to satisfying the underlying lien for towing and storage of the vehicle in which they are contained.

(5) All billing invoices that are provided to the redeemer of the vehicle, or other items of personal property registered or titled with the department, must be itemized so that the individual fees are clearly discernable.

**Sec. 4.** RCW 46.55.090 and 1989 c 178 s 25 are each amended to read as follows:

(1) All vehicles impounded shall be taken to the nearest storage location that has been inspected and is listed on the application filed with the department.

(2) All vehicles shall be handled and returned in substantially the same condition as they existed before being towed.

(3) All personal belongings and contents in the vehicle, with the exception of those items of personal property that are registered or titled with the department, shall be kept intact, and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. Personal belongings, with the exception of those items of personal property that are registered or titled with the department, shall not be sold at auction to fulfill a lien against the vehicle.

(4) All personal belongings, with the exception of those items of personal property that are registered or titled with the department, not claimed before the auction shall be turned over to the local law enforcement agency to which the initial notification of impoundment was given. Such personal belongings shall be disposed of pursuant to chapter 63.32 or 63.40 RCW.

(5) Tow truck drivers shall have a Washington state driver's license endorsed for the appropriate classification under chapter 46.25 RCW or the equivalent issued by another state.

(6) Any person who shows proof of ownership or written authorization from the impounded vehicle's registered or legal owner or the vehicle's insurer may view the vehicle without charge during normal business hours.

**Sec. 5.** RCW 46.55.100 and 1991 c 20 s 1 are each amended to read as follows:

(1) At the time of impoundment the registered tow truck operator providing the towing service shall give immediate notification, by telephone or radio, to a law enforcement agency having jurisdiction who shall maintain a log of such reports. A law enforcement agency, or a private communication center acting on behalf of a law enforcement agency, shall within six to twelve hours of the impoundment, provide to a requesting operator the name and address of the legal and registered owners of the vehicle, and the registered owner of any personal property registered or titled with the department that is attached to or contained in or on the impounded vehicle, the vehicle identification number, and any other necessary, pertinent information. The initial notice of impoundment shall be followed by a written or electronic facsimile notice within twenty-four hours. In the case of a vehicle from another state, time requirements of this subsection do not apply until the requesting law enforcement agency in this state receives the information.

(2) The operator shall immediately send an abandoned vehicle report to the department for any vehicle, and for any items of personal property registered or titled with the department, that are in the operator's possession after the ninety-six hour abandonment period. Such report need not be sent when the impoundment is pursuant to a writ, court order, or police hold. The owner notification and abandonment process shall be initiated by the registered tow truck operator immediately following notification by a court or law enforcement officer that the writ, court order, or police hold is no longer in effect.

(3) Following the submittal of an abandoned vehicle report, the department shall provide the registered tow truck operator with owner information within seventy-two hours.

(4) Within fifteen days of the sale of an abandoned vehicle at public auction, the towing operator shall send a copy of the abandoned vehicle report showing the disposition of the abandoned vehicle and any other items of personal property registered or titled with the department to the crime information center of the Washington state patrol.

(5) If the operator sends an abandoned vehicle report to the department and the department finds no owner information, an operator may proceed with an inspection of the vehicle and any other items of personal property registered or titled with the department to determine whether owner identification is within the vehicle.

(6) If the operator finds no owner identification, the operator shall immediately notify the appropriate law enforcement agency, which shall search the vehicle and any other items of personal property registered or titled with the department for the vehicle identification number or other appropriate identification numbers and check the necessary records to determine the vehicle's or other property's owners.

Sec. 6. RCW 46.55.110 and 1989 c 111 s 10 are each amended to read as follows:

(1) When an unauthorized vehicle is impounded, the impounding towing operator shall notify the legal and registered owners of the impoundment of the unauthorized vehicle and the owners of any other items of personal property registered or titled with the department. The notification shall be sent by first-class mail within twenty-four hours after the impoundment to the last known registered and legal owners of the vehicle, and the owners of any other items of personal property registered or titled with the department, as provided by the law enforcement agency, and shall inform the owners of the identity of the person or agency authorizing the impound. The notification shall include the name of the impounding tow firm, its address, and telephone number. The notice shall also include the location, time of the impound, and by whose authority the vehicle was impounded. The notice shall also include the written notice of the right of redemption and opportunity for a hearing to contest the validity of the impoundment pursuant to RCW 46.55.120.

(2) In the case of an abandoned vehicle, or other item of personal property registered or titled with the department, within twenty-four hours after receiving information on the (~~vehicle~~) owners from the department through the abandoned vehicle report, the tow truck operator shall send by certified mail, with return receipt requested, a notice of custody and sale to the legal and registered owners.

(3) No notices need be sent to the legal or registered owners of an impounded vehicle or other item of personal property registered or titled with the department, if the vehicle or personal property has been redeemed.

Sec. 7. RCW 46.55.120 and 1993 c 121 s 3 are each amended to read as follows:

(1) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, or 46.55.113 may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and verified by the operator to have the permission of the registered owner of the vehicle or other item of personal property registered or titled with the department, or one who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle or items of personal property registered or titled with the department.

(b) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm can determine through the customer's bank or a check verification service that the presented check would not be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2)(a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine

the issues involving all impoundments including those authorized by the state or its agents. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The district court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper.

(c) At the conclusion of the hearing, the district court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for reasonable damages for loss of the use of the vehicle during the time the same was impounded, for not less than fifty dollars per day, against the person or agency authorizing the impound. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made

by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO: . . . . .

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the . . . . . Court located at . . . . . in the sum of \$. . . . ., in an action entitled . . . . ., Case No. . . . . YOU ARE FURTHER NOTIFIED that attorneys fees and costs will be awarded against you under RCW . . . if the judgment is not paid within 15 days of the date of this notice.

DATED this . . . . day of . . . . ., 19. . .

Signature . . . . .

Typed name and address  
of party mailing notice

(4) Any impounded abandoned vehicle or item of personal property registered or titled with the department that is not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(2) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees.

Sec. 8. RCW 46.55.140 and 1992 c 200 s 1 are each amended to read as follows:

(1) A registered tow truck operator who has a valid and signed impoundment authorization has a lien upon the impounded vehicle for services provided in the towing and storage of the vehicle, unless the impoundment is determined to have been invalid. The lien does not apply to personal property in or upon the vehicle that is not permanently attached to or is not an integral part of the vehicle except for items of personal property registered or titled with the department. The registered tow truck operator also has a deficiency claim against the registered owner of the vehicle for services provided in the towing and storage of the vehicle not to exceed the sum of (~~three~~) five hundred dollars (~~less~~) after deduction of the amount bid at auction, and for vehicles of over ten thousand pounds gross vehicle weight, the operator has a deficiency claim of one thousand dollars (~~less~~) after deduction of the amount bid at auction, unless the impound is determined to be invalid. The limitation on towing and storage deficiency claims does not apply to an impound directed by a law enforcement officer. In no case may the cost of the auction or a buyer's fee be added to the amount charged for the vehicle at the auction, the vehicle's lien, or the overage due. A registered owner who has completed and filed with the department the seller's report as provided for by RCW 46.12.101 and has timely and properly filed the seller's report is relieved of liability under this section. The person named as the new owner of the vehicle on the timely and properly filed seller's report shall assume liability under this section.

(2) Any person who tows, removes, or otherwise disturbs any vehicle parked, stalled, or otherwise left on privately owned or controlled property, and any person owning or controlling the private property, or either of them, are liable to the owner or operator of a vehicle, or each of them, for consequential and incidental damages arising from any interference with the ownership or use of the vehicle which does not comply with the requirements of this chapter.

**Sec. 9.** RCW 46.20.435 and 1985 c 391 s 1 are each amended to read as follows:

(1) Upon determining that a person is operating a motor vehicle without a valid driver's license in violation of RCW 46.20.021 or with a license that has been expired for ninety days or more, or with a suspended or revoked license in violation of RCW 46.20.342 or 46.20.420, a law enforcement officer may immediately impound the vehicle that the person is operating.

(2) ~~((If the driver of the vehicle is the owner of the vehicle,))~~ The officer shall not release the vehicle impounded under subsection (1) of this section until the owner of the vehicle:

(a) Establishes that any penalties, fines, or forfeitures owed by the ~~((person driving))~~ registered owner of the vehicle ~~((when it))~~ that was impounded have been satisfied; and

(b) Pays the reasonable costs of such impoundment and storage.

~~(3) ((If the driver of the vehicle is not the owner of the vehicle, the driver shall be responsible for any penalties, fines, or forfeitures owed or due and for the costs of impoundment and storage. The vehicle shall be released to the owner immediately upon proof of such ownership.~~

~~(4))~~ Whenever a vehicle has been impounded by a law enforcement officer, the officer shall immediately serve upon the driver of the impounded vehicle a notice informing the recipient of his or her right to a hearing in the district court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing or the amount of towing and storage charges. A request for a hearing shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date of the impound. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the driver is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

~~((5))~~ (4)(a) The district court, within five days after the request for a hearing, shall notify the driver in writing of the hearing date and time.

(b) At the hearing, the person requesting the hearing may produce any relevant evidence to show that the impoundment was not proper.

(c) At the conclusion of the hearing, the district court shall determine whether the impoundment was proper, whether the driver was responsible for any penalties, fines, or forfeitures owed or due at the time of the impoundment, and whether they have been satisfied.

(d) A certified transcript or abstract of the driving record of the driver, as maintained by the department, is admissible in evidence in any hearing and is prima facie evidence of the status of the driving privilege of the person named in it at the time of the impoundment and whether there were penalties, fines, or forfeitures due and owing by the person named in it at the time the impoundment occurred.

Sec. 10. RCW 46.61.625 and 1965 ex.s. c 155 s 73 are each amended to read as follows:

(1) No person or persons shall occupy any trailer while it is being moved upon a public highway, except a person occupying a proper position for steering a trailer designed to be steered from a rear-end position.

(2) No person or persons may occupy a vehicle while it is being towed by a tow truck as defined in RCW 46.55.010(8).

Passed the House April 19, 1995.

Passed the Senate April 10, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

**CHAPTER 361**

[Engrossed Substitute House Bill 1922]

**VESSELS PROVIDING EXCURSION SERVICES**

AN ACT Relating to vessels providing excursion services; adding new sections to chapter 81.84 RCW; and repealing sections 1, 2, and 3 of this act.

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

NEW SECTION. Sec. 1. A new section is added to chapter 81.84 RCW to read as follows:

As used in this chapter:

(1) "Excursion service" means the carriage or conveyance of persons for compensation over the waters of this state from a point of origin and returning to the point of origin with an intermediate stop or stops at which passengers leave the vessel and reboard before the vessel returns to its point of origin.

(2) "Charter service" means the hiring of a vessel, with captain and crew, by a person or group for carriage or conveyance of persons or property.

NEW SECTION. Sec. 2. A new section is added to chapter 81.84 RCW to read as follows:

(1) Unless expressly exempted in section 3 of this act, no vessel may provide excursion service over the waters of this state without first having obtained a certificate of public convenience and necessity as provided in RCW 81.84.010.

(2) Vessels providing excursion service must comply with all provisions of this chapter and rules of the commission adopted under this chapter.



**NEW SECTION.** **Sec. 3.** A new section is added to chapter 81.84 RCW to read as follows:

This chapter does not apply to the following vessels or operations:

- (1) Charter services;
- (2) Vessels that depart and return to the point of origin without stopping at another location within the state where passengers leave the vessel;
- (3) Vessels operated by not-for-profit or governmental entities that are replicas of historic vessels or that are recognized by the United States department of the interior as national historical landmarks;
- (4) Excursion services that:
  - (a) Originate and primarily operate at least six months per year in San Juan county waters and use vessels less than sixty-five feet in length with a United States Coast Guard certificate that limits them to forty-nine passengers or less;
  - (b) Do not depart from the point of origin on a regular published schedule;
  - (c) Do not operate between the same point of origin and the same intermediate stop more than four times in any month or more than fifteen times during any twelve-month period;
  - (d) Use vessels that do not return to the point of origin on the day of departure; or
  - (e) Operate vessels upon the waters of the Pend Oreille River, Pend Oreille County, Washington.

**NEW SECTION.** **Sec. 4.** Effective January 1, 2001, the following acts or parts of acts are each repealed:

- (1) Section 1 of this act;
- (2) Section 2 of this act; and
- (3) Section 3 of this act.

Passed the House April 19, 1995.

Passed the Senate April 12, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 362

[Engrossed House Bill 2033]

### CLEAN AIR ACT—AIRCRAFT FIRE TRAINING EXEMPTION

AN ACT Relating to an exemption to the Washington clean air act for fire training; and amending RCW 70.94.650 and 70.94.775.

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

**Sec. 1.** RCW 70.94.650 and 1994 c 28 s 2 are each amended to read as follows:

- (1) Any person who proposes to set fires in the course of:
  - (a) Weed abatement((:));

(b) Instruction in methods of fire fighting, except training to fight structural fires as provided in RCW 52.12.150 or training to fight aircraft crash rescue fires as provided in subsection (5) of this section, and except forest fire training((?));  
or

(c) Agricultural activities,  
shall obtain a permit from an air pollution control authority, the department of ecology, or a local entity delegated permitting authority under RCW 70.94.654. General permit criteria of state-wide applicability shall be established by the department, by rule, after consultation with the various air pollution control authorities. Permits shall be issued under this section based on seasonal operations or by individual operations, or both. All permits shall be conditioned to insure that the public interest in air, water, and land pollution and safety to life and property is fully considered. In addition to any other requirements established by the department to protect air quality pursuant to other laws, applicants for permits must show that the setting of fires as requested is the most reasonable procedure to follow in safeguarding life or property under all circumstances or is otherwise reasonably necessary to successfully carry out the enterprise in which the applicant is engaged, or both. All burning permits will be designed to minimize air pollution insofar as practical. Nothing in this section shall relieve the applicant from obtaining permits, licenses, or other approvals required by any other law. An application for a permit to set fires in the course of agricultural burning for controlling diseases, insects, weed abatement or development of physiological conditions conducive to increased crop yield, shall be acted upon within seven days from the date such application is filed. The department of ecology and local air authorities shall provide convenient methods for issuance and oversight of agricultural burning permits. The department and local air authorities shall, through agreement, work with counties and cities to provide convenient methods for granting permission for agricultural burning, including telephone, facsimile transmission, issuance from local city or county offices, or other methods.

(2) Permit fees shall be assessed for burning under this section and shall be collected by the department of ecology, the appropriate local air authority, or a local entity delegated permitting authority pursuant to RCW 70.94.654 at the time the permit is issued. All fees collected shall be deposited in the air pollution control account created in RCW 70.94.015, except for that portion of the fee necessary to cover local costs of administering a permit issued under this section. Fees shall be set by rule by the permitting agency at the level determined by the task force created by subsection (4) of this section, but shall not exceed two dollars and fifty cents per acre to be burned. After fees are established by rule, any increases in such fees shall be limited to annual inflation adjustments as determined by the state office of the economic and revenue forecast council.

(3) Conservation districts and the Washington State University agricultural extension program in conjunction with the department shall develop public

education material for the agricultural community identifying the health and environmental effects of agricultural outdoor burning and providing technical assistance in alternatives to agricultural outdoor burning.

(4) An agricultural burning practices and research task force shall be established under the direction of the department. The task force shall be composed of a representative from the department who shall serve as chair; one representative of eastern Washington local air authorities; three representatives of the agricultural community from different agricultural pursuits; one representative of the department of agriculture; two representatives from universities or colleges knowledgeable in agricultural issues; one representative of the public health or medical community; and one representative of the conservation districts. The task force shall identify best management practices for reducing air contaminant emissions from agricultural activities and provide such information to the department and local air authorities. The task force shall determine the level of fees to be assessed by the permitting agency pursuant to subsection (2) of this section, based upon the level necessary to cover the costs of administering and enforcing the permit programs, to provide funds for research into alternative methods to reduce emissions from such burning, and to the extent possible be consistent with fees charged for such burning permits in neighboring states. The fee level shall provide, to the extent possible, for lesser fees for permittees who use best management practices to minimize air contaminant emissions. The task force shall identify research needs related to minimizing emissions from agricultural burning and alternatives to such burning. Further, the task force shall make recommendations to the department on priorities for spending funds provided through this chapter for research into alternative methods to reduce emissions from agricultural burning.

(5) A permit is not required under this section, or under RCW 70.94.743 through 70.94.780, from an air pollution control authority, the department, or any local entity with delegated permit authority, for aircraft crash rescue fire training activities meeting the following conditions:

(a) Fire fighters participating in the training fires must be limited to those who provide fire fighting support to an airport that is either certified by the federal aviation administration or operated in support of military or governmental activities;

(b) The fire training may not be conducted during an air pollution episode or any stage of impaired air quality declared under RCW 70.94.715 for the area where training is to be conducted;

(c) The number of training fires allowed per year without a permit shall be the minimum number necessary to meet federal aviation administration or other federal safety requirements; and

(d) Prior to the commencement of the aircraft fire training, the organization conducting training shall notify both the: (i) Local fire district or fire department; and (ii) air pollution control authority, department of ecology, or local

entity delegated permitting authority under RCW 70.94.654, having jurisdiction within the area where training is to be conducted.

Aircraft crash rescue fire training activities conducted in compliance with this subsection are not subject to the prohibition, in RCW 70.94.775(1), of outdoor fires containing petroleum products.

(6) Subsection (5) of this section shall expire on the earlier of the following dates: (a) July 1, 1998; or (b) the date upon which the North Bend fire training center is fully operational for aircraft crash rescue fire training activities.

**Sec. 2.** RCW 70.94.775 and 1991 c 199 s 410 are each amended to read as follows:

Except as provided in RCW 70.94.650(5), no person shall cause or allow any outdoor fire:

(1) Containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, or any substance other than natural vegetation that normally emits dense smoke or obnoxious odors. Agricultural heating devices that otherwise meet the requirements of this chapter shall not be considered outdoor fires under this section;

(2) During a forecast, alert, warning or emergency condition as defined in RCW 70.94.715 or impaired air quality condition as defined in RCW 70.94.473.

Passed the House April 20, 1995.

Passed the Senate April 14, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 363

[House Bill 2063]

### PUBLIC WORKS ASSISTANCE PROGRAM—ACCELERATED CONSTRUCTION UNDER

AN ACT Relating to accelerating the implementation of projects currently eligible for funding under the public works assistance program; amending RCW 43.155.070; adding a new section to chapter 43.155 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 there continues to exist a great need for capital projects to plan, acquire, design, construct, and repair local government streets, roads, bridges, water systems, and storm and sanitary sewage systems. It is the purpose of this act to accelerate the construction of these projects under the public works assistance program.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.155 RCW to read as follows:

(1) The board may make low-interest or interest-free loans to local governments for preconstruction activities on public works projects before the legislature approves the construction phase of the project. Preconstruction activities include design, engineering, bid-document preparation, environmental

studies, right of way acquisition, and other preliminary phases of public works projects as determined by the board. The purpose of the loans authorized in this section is to accelerate the completion of public works projects by allowing preconstruction activities to be performed before the approval of the construction phase of the project by the legislature.

(2) Projects receiving loans for preconstruction activities under this section must be evaluated using the priority process and factors in RCW 43.155.070(2). The receipt of a loan for preconstruction activities does not ensure the receipt of a construction loan for the project under this chapter. Construction loans for projects receiving a loan for preconstruction activities under this section are subject to legislative approval under RCW 43.155.070 (4) and (5). The board shall adopt a single application process for local governments seeking both a loan for preconstruction activities under this section and a construction loan for the project.

(3) Preconstruction activity loans under this section may be made only from those funds specifically appropriated from the public works assistance account for such a purpose by the legislature.

**Sec. 3.** RCW 43.155.070 and 1993 c 39 s 1 are each amended to read as follows:

(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;

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors; and

(d) A county, city, or town that is required or chooses to plan under RCW 36.70A.040 must have adopted a comprehensive plan in conformance with the requirements of chapter 36.70A RCW, after it is required that the comprehensive plan be adopted, and must have adopted development regulations in conformance with the requirements of chapter 36.70A RCW, after it is required that development regulations be adopted.

(2) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(c) The cost of the project compared to the size of the local government and amount of loan money available;

(d) The number of communities served by or funding the project;

(e) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

(f) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

(g) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

(h) Other criteria that the board considers advisable.

(3) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(4) Before November 1 of each year, the board shall develop and submit to the ~~((chairs of the ways and means))~~ appropriate fiscal committees of the senate and house of representatives a description of the ~~((emergency))~~ loans made under RCW 43.155.065, section 2 of this act, and subsection (7) of this section 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) Subsection ~~((s-4) and))~~ (5) of this section ~~((do))~~ does not apply to loans made ~~((for emergency public works projects))~~ under RCW 43.155.065, section 2 of this act, and subsection (7) of this section.

(7)(a) Loans made for the purpose of capital facilities plans shall be exempted from subsection ~~((s (4) and))~~ (5) of this section. In no case shall the total amount of funds utilized for capital facilities plans and emergency loans exceed the limitation in RCW 43.155.065.

(b) For the purposes of this section "capital facilities plans" means those plans required by the growth management act, chapter 36.70A RCW, and plans required by the public works board for local governments not subject to the growth management act.

Passed the House March 13, 1995.

Passed the Senate April 12, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 364

[Engrossed Substitute House Bill 2090]

### GASOHOL.—TAXATION OF

AN ACT Relating to taxation of gasohol; amending 1994 c 225 s 3 (unmodified); reenacting and amending RCW 82.36.2251; adding a new section to chapter 225, Laws of 1994; creating new sections; providing an effective date; and declaring an emergency.

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

**NEW SECTION.** Sec. 1. A new section to read as follows is added to chapter 225, Laws of 1994, as section 1.5 thereof, to appear between sections 1 and 2, if that act is submitted to a vote of the people under the operation of section 3 thereof:

The gasohol exemption and credit was created in 1980 to help in-state producers of alcohol. The legislature finds that, for the following reasons, the gasohol exemption and credit granted to motor fuel distributors is not in the best interest of the citizens of the state of Washington:

(1) The federal Clean Air Act requires the use of gasohol or other oxygenated fuels in King, Pierce, Snohomish, Clark, and Spokane counties during fall and winter months, thereby diminishing the need to provide incentives to alcohol producers;

(2) The federal government also provides a fuel tax exemption of up to 5.4 cents per gallon of gasohol;

(3) If continued, the state exemption will cost the state about thirty million dollars per year, the equivalent of a one-cent gasoline tax;

(4) Only three of the seventeen alcohol producers certified to benefit from the exemption in 1993 are located in Washington;

(5) Over ninety percent of the alcohol qualifying for the exemption is provided by out-of-state firms, including several from outside the country;

(6) Gas tax revenue lost because of the exemption is badly needed for state, city, and county transportation projects.

NEW SECTION. **Sec. 2.** For the reasons enumerated in section 1 of this act, the legislature repealed the tax exemption and credit benefiting gasohol producers by passing ESHB 2326 in 1994. The legislature's position is that section 1 of ESHB 2326, which is the portion of the bill that repealed the tax exemption enjoyed by foreign and domestic companies producing gasohol, is not subject to the requirements of section 13, chapter 2, Laws of 1994 (commonly known as section 13 of I-601) because, among other reasons, existing law RCW 43.135.020(2) excludes highway trust fund revenue from its provisions.

The legislature hereby provides a refund system to be used in lieu of the gasohol tax exemption and credit. Refunds will be disbursed only if an appellate or supreme court of this state invalidates section 1 of ESHB 2326 and the people reject the measure at the November general election.

**Sec. 3.** RCW 82.36.2251 and 1993 c 268 s 2 are each reenacted and amended to read as follows:

(1) In lieu of the former tax exemption and credit, a distributor is eligible for a refund of the motor fuel tax paid under this chapter on alcohol of any proof that is sold in this state for use as fuel in motor vehicles, farm implements and machines, or implements of husbandry ((is exempt from the motor vehicle fuel tax under this chapter)) if such alcohol was manufactured by a company that has been verified by the department as having sold less than eight million gallons of alcohol for use as motor fuel in the prior calendar year.

(2) In addition, a tax ~~((credit))~~ refund of sixty percent of the tax rate imposed by RCW 82.36.025 shall be given for every gallon of alcohol receiving ~~((the exemption))~~ a refund under subsection (1) of this section and used in an alcohol-gasoline blend which contains at least nine and one-half percent or more by volume of alcohol: PROVIDED, That in no case may the tax ((credit)) refund claimed be greater than the tax due on the gasoline portion of the blended fuel: AND PROVIDED FURTHER, That no refunds may be issued to distributors who fail to remit taxes owed under this chapter.

(3) Any tax refunds provided under this section must be made from the gasohol exemption holding account, created under RCW 46.68.090(1)(I). The tax exemption refund will be based upon the difference between the amount of tax collected on the original taxable sale invoice and the rebilled taxable sale invoice that reflects the alcohol that is exempt from the motor fuel tax.

(4) This section shall expire on December 31, 1999.

**Sec. 4.** 1994 c 225 s 3 (uncodified) is amended to read as follows:

(1) If a court enters a final order invalidating or remanding section 1, chapter 225, Laws of 1994 on the grounds that it does not comply with section 13, chapter 2, Laws of 1994, it is the intent of the legislature that ~~((this measure))~~ chapter 225, Laws of 1994 as amended be submitted to the people for their adoption, ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof.



(2) If a court remands this act for a vote of the people, the ballot title shall be substantially as follows: "Shall the alcohol fuel tax exemption given to fuel distributors be eliminated?"

(3) If the voters approve the repeal as provided in section 1 of this act, the repeal shall be made retroactive to May 1, 1994.

NEW SECTION. Sec. 5. No refunds authorized under this act shall be provided until 1994 c 225 is rejected by the people at the next November general election. Any funds received as taxes paid subject to refunds authorized in section 3 of this act shall be deposited in the gasohol exemption holding account. The department of licensing is authorized to issue refunds after 1994 c 225 has been rejected by the people at the next November general election.

NEW SECTION. Sec. 6. If section 1, chapter 225, Laws of 1994 is upheld by order of the court of appeals or the supreme court of this state, this act is null and void.

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 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 takes effect immediately, except for section 3 of this act, which takes effect July 1, 1995.

Passed the House April 13, 1995.

Passed the Senate April 14, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 365

[Second Substitute Senate Bill 5003]

### AGRICULTURAL FUNDS AND ACCOUNTS—DEPOSIT OF INTEREST EARNINGS

AN ACT Relating to the deposit of interest earnings from agricultural funds and accounts; reenacting and amending RCW 43.79A.040; providing an effective date; and declaring an emergency.

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

Sec. 1. RCW 43.79A.040 and 1993 sp.s. c 8 s 2 and 1993 c 500 s 5 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The agricultural local fund, the American Indian scholarship endowment fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the rural rehabilitation account, and the self-insurance revolving fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**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 June 1, 1995.

Passed the Senate March 9, 1995.

Passed the House April 21, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 366

[Engrossed Senate Bill 5011]

### SPECIALIZED FOREST PRODUCTS PERMITS

AN ACT Relating to forest products; amending RCW 76.48.020, 76.48.030, 76.48.040, 76.48.050, 76.48.060, 76.48.070, 76.48.075, 76.48.096, 76.48.098, 76.48.100, 76.48.110, 76.48.120, and 76.48.130; adding new sections to chapter 76.48 RCW; and repealing RCW 76.48.092.

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

**Sec. 1.** RCW 76.48.020 and 1992 c 184 s 1 are each amended to read as follows:

Unless otherwise required by the context, as used in this chapter:

(1) "Christmas trees" (~~shall~~) means any evergreen trees or the top thereof, commonly known as Christmas trees, with limbs and branches, with or without roots, including fir, pine, spruce, cedar, and other coniferous species.

(2) "Native ornamental trees and shrubs" (~~shall~~) means any trees or shrubs which are not nursery grown and which have been removed from the ground with the roots intact.

(3) "Cut or picked evergreen foliage," commonly known as brush, (~~shall~~) means evergreen boughs, huckleberry, salal, fern, Oregon grape, rhododendron, mosses, bear grass, scotch broom (Cytisus scoparius) and other cut or picked evergreen products. "Cut or picked evergreen foliage" does not mean cones or seeds.

(4) "Cedar products" (~~shall~~) means cedar shakeboards, shake and shingle bolts, and rounds one to three feet in length.

(5) "Cedar salvage" (~~shall~~) means cedar chunks, slabs, stumps, and logs having a volume greater than one cubic foot and being harvested or transported from areas not associated with the concurrent logging of timber stands (a) under a forest practices application approved or notification received by the department of natural resources, or (b) under a contract or permit issued by an agency of the United States government.

(6) "Processed cedar products" (~~shall~~) means cedar shakes, shingles, fence posts, hop poles, pickets, stakes, (~~or~~) rails(~~or~~), or rounds less than one foot in length.

(7) "Cedar processor" (~~shall~~) means any person who purchases (~~and/or~~), takes, or retains possession of cedar products or cedar salvage(~~or~~) for later sale in the same or modified form(~~or~~) following (~~their~~) removal and delivery from the land where harvested.

(8) "Cascara bark" (~~shall~~) means the bark of a Cascara tree.

(9) "Wild edible mushrooms" means edible mushrooms not cultivated or propagated by artificial means.

(10) "Specialized forest products" (~~shall~~) means Christmas trees, native ornamental trees and shrubs, cut or picked evergreen foliage, cedar products, cedar salvage, processed cedar products, wild edible mushrooms, and Cascara bark.

(11) "Person" (~~shall~~) includes the plural and all corporations, foreign or domestic, copartnerships, firms, and associations of persons.

(12) "Harvest" (~~shall~~) means to separate, by cutting, prying, picking, peeling, breaking, pulling, splitting, or otherwise removing, a specialized forest product (a) from its physical connection (~~with~~) or contact with the land or vegetation upon which it (~~was or has been~~) is or was growing(~~or~~) or (b) from the position in which it (~~has been~~) is lying upon (~~such~~) the land.

(13) "Transportation" means the physical conveyance of specialized forest products outside or off of a harvest site(~~including but not limited to conveyance by a motorized vehicle designed for use on improved roadways, or by vessel, barge, raft, or other waterborne conveyance. "Transportation" also means any conveyance of specialized forest products by helicopter~~) by any means.

(14) "Landowner" means, with regard to (~~any~~) real property, the private owner (~~thereof~~), the state of Washington or any political subdivision (~~thereof~~),

the federal government, or ~~((any))~~ a person who by deed, contract, or lease has authority to harvest and sell forest products of the property. "Landowner" does not include the purchaser or successful high bidder at ~~((any))~~ a public or private timber sale.

(15) "Authorization" means a properly completed preprinted form authorizing the transportation or possession of Christmas trees~~((;))~~ which ~~((form))~~ contains the information required by RCW 76.48.080, ~~((and))~~ a sample of which is filed before the harvesting occurs with the sheriff of the county in which the harvesting is to occur.

(16) "Harvest site" means each location where one or more persons are engaged in harvesting specialized forest products close enough to each other that communication can be conducted with an investigating law enforcement officer in a normal conversational tone.

(17) "Specialized forest products permit" ~~((shall))~~ means a printed document in a form specified by the department of natural resources, or true copy thereof, that is signed by a landowner or his ~~((duty))~~ or her authorized agent or representative ~~((herein))~~, referred to in this chapter as "permittors"~~((;))~~ and validated by the county sheriff~~((-authorizing))~~ and authorizes a designated person ~~((herein))~~, referred to in this chapter as "permittee"~~((;))~~, who ~~((shall))~~ has also ~~((have))~~ signed the permit, to harvest ~~((and/or))~~ and transport a designated specialized forest product from land owned or controlled and specified by the permittor~~((;))~~ and that is located in the county where ~~((such))~~ the permit is issued.

(18) "Sheriff" means, for the purpose of validating specialized forest products permits, the county sheriff, deputy sheriff, or an authorized employee of the sheriff's office or an agent of the office.

(19) "True copy" means a replica of a validated specialized forest products permit as reproduced by a copy machine capable of effectively reproducing the information contained on the permittee's copy of the specialized forest products permit. A copy is made true by the permittee or the permittee and permittor signing in the space provided on the face of the copy. A true copy will be effective until the expiration date of the specialized forest products permit unless the permittee or the permittee and permittor specify an earlier date. A permittor may require the actual signatures of both the permittee and permittor for execution of a true copy by so indicating in the space provided on the original copy of the specialized forest products permit. A permittee, or, if so indicated, the permittee and permittor, may condition the use of the true copy to harvesting only, transportation only, possession only, or any combination thereof.

(20) "Permit area" means a designated tract of land that may contain single or multiple harvest sites.

**Sec. 2.** RCW 76.48.030 and 1979 ex.s. c 94 s 2 are each amended to read as follows:

It ~~((shall-be))~~ is unlawful for any person to:

(1) Harvest specialized forest products as described in RCW 76.48.020, in the quantities specified in RCW 76.48.060, without first obtaining a validated specialized forest products permit;

(2) Engage in activities or phases of harvesting specialized forest products not authorized by the permit; or

(3) Harvest specialized forest products in any lesser quantities than those specified in RCW 76.48.060, as now or hereafter amended, without first obtaining permission from the landowner or his or her duly authorized agent or representative.

**Sec. 3.** RCW 76.48.040 and 1994 c 264 s 51 are each amended to read as follows:

Agencies charged with the enforcement of this chapter shall include, but not be limited to, the Washington state patrol, county sheriffs and their deputies, county or municipal police forces, authorized personnel of the United States forest service, and authorized personnel of the departments of natural resources and fish and wildlife. Primary enforcement responsibility lies in the county sheriffs and their deputies. The legislature encourages county sheriffs' offices to enter into interlocal agreements with these other agencies in order to receive additional assistance with their enforcement responsibilities.

**Sec. 4.** RCW 76.48.050 and 1979 ex.s. c 94 s 4 are each amended to read as follows:

Specialized forest products permits shall consist of properly completed permit forms validated by the sheriff of the county in which the specialized forest products are to be harvested. Each permit shall be separately numbered and the permits shall be issued by consecutive numbers. All specialized forest products permits shall expire at the end of the calendar year in which issued, or sooner, at the discretion of the permittor. A properly completed specialized forest products permit form shall include:

(1) The date of its execution and expiration;

(2) The name, address, telephone number, if any, and signature of the permittor;

(3) The name, address, telephone number, if any, and signature of the permittee;

(4) The type of specialized forest products to be harvested or transported;

(5) The approximate amount or volume of specialized forest products to be harvested or transported;

(6) The legal description of the property from which the specialized forest products are to be harvested or transported, including the name of the county, or the state or province if outside the state of Washington;

(7) A description by local landmarks of where the harvesting is to occur, or from where the specialized forest products are to be transported;

(8) The number from some type of valid picture identification; and

(9) Any other condition or limitation which the permittor may specify.

Except for the harvesting of Christmas trees, the permit or true copy thereof must be carried by the permittee and available for inspection at all times. For the harvesting of Christmas trees only a single permit or true copy thereof is necessary to be available at the harvest site.

Sec. 5. RCW 76.48.060 and 1992 c 184 s 2 are each amended to read as follows:

A specialized forest products permit validated by the county sheriff shall be obtained by ~~((any))~~ a person prior to harvesting from any lands, including his or her own, more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage, any cedar products, cedar salvage, processed cedar products, or more than five pounds of Cascara bark, or more than three United States gallons of a single species of wild edible mushroom and ~~((not))~~ more than an aggregate total of nine United States gallons of wild edible mushrooms, plus one wild edible mushroom. Specialized forest products permit forms shall be provided by the department of natural resources, and shall be made available through the office of the county sheriff to permittees or permittors in reasonable quantities. A permit form shall be completed in triplicate for each permittor's property on which a permittee harvests specialized forest products. A properly completed permit form shall be mailed or presented for validation to the sheriff of the county in which the specialized forest products are to be harvested. Before a permit form is validated by the sheriff, sufficient personal identification may be required to reasonably identify the person mailing or presenting the permit form and the sheriff may conduct ~~((such))~~ other investigations as deemed necessary to determine the validity of the information alleged on the form. When the sheriff is reasonably satisfied as to the truth of ~~((such))~~ the information, the form shall be validated with the sheriff's validation stamp ~~((provided by the department of natural resources))~~. Upon validation, the form shall become the specialized forest products permit authorizing the harvesting, possession ~~((and/or))~~, or transportation of specialized forest products, subject to any other conditions or limitations which the permittor may specify. Two copies of the permit shall be given or mailed to the permittor, or one copy shall be given or mailed to the permittee and the other copy given or mailed to the permittee. The original permit shall be retained in the office of the county sheriff validating the permit. In the event a single land ownership is situated in two or more counties, a specialized forest product permit shall be completed as to the land situated in each county. While engaged in harvesting of specialized forest products, permittees, or their agents or employees, must have readily available at each harvest site a valid permit or true copy of the permit.

Sec. 6. RCW 76.48.070 and 1992 c 184 s 3 are each amended to read as follows:

(1) Except as provided in RCW 76.48.100 and 76.48.075, it ~~((shall be))~~ is unlawful for any person (a) to possess, ~~((and/or))~~ (b) to transport, or (c) to

possess and transport within the state of Washington, subject to any other conditions or limitations specified in the specialized forest products permit by the permittor, more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage, any processed cedar products, or more than five pounds of Cascara bark, or more than three gallons of a single species of wild edible mushrooms and ~~((not))~~ more than an aggregate total of nine gallons of wild edible mushrooms, plus one wild edible mushroom without having in his or her possession a written authorization, sales invoice, bill of lading, or specialized forest products permit or a true copy thereof evidencing his or her title to or authority to have possession of specialized forest products being so possessed or transported.

(2) It ~~((shall be))~~ is unlawful for any person either (a) to possess ~~((and/or))~~, (b) to transport, or (c) to possess and transport within the state of Washington any cedar products or cedar salvage without having in his or her possession a specialized forest products permit or a true copy thereof evidencing his or her title to or authority to have possession of the materials being so possessed or transported.

**Sec. 7.** RCW 76.48.075 and 1979 ex.s. c 94 s 15 are each amended to read as follows:

(1) It is unlawful for any person to transport or cause to be transported into this state from any other state or province specialized forest products, except those harvested from that person's own property, without: (a) First acquiring and having readily available for inspection a document indicating the true origin of the specialized forest products as being outside the state, or (b) without acquiring a specialized forest products permit as provided in subsection (4) of this section.

(2) Any person transporting or causing to be transported specialized forest products into this state from any other state or province shall, upon request of any person to whom the specialized forest products are sold or delivered or upon request of any law enforcement officer, prepare and sign a statement indicating the true origin of the specialized forest products, the date of delivery, and the license number of the vehicle making delivery, and shall leave the statement with the person making the request.

(3) It is unlawful for any person to possess specialized forest products, transported into this state, with knowledge that the products were introduced into this state in violation of this chapter.

(4) When any person transporting or causing to be transported into this state specialized forest products elects to acquire a specialized forest products permit, the specialized forest products transported into this state shall be deemed to be harvested in the county of entry, and the sheriff of that county may validate the permit as if the products were so harvested, except that the permit shall also indicate the actual harvest site outside the state.

(5) A cedar processor shall comply with RCW 76.48.096 by requiring a person transporting specialized forest products into this state from any other state or province to display a specialized forest products permit, or true copy thereof,

or other document indicating the true origin of the specialized forest products as being outside the state. The cedar processor shall make and maintain a record of the purchase, taking possession, or retention of cedar products and cedar salvage in compliance with RCW 76.48.094.

(6) If, (~~pursuant to~~) under official inquiry, investigation, or other authorized proceeding regarding specialized forest products not covered by a valid specialized forest products permit or other acceptable document, the inspecting law enforcement officer has probable cause to believe that the specialized forest products were harvested in this state or wrongfully obtained in another state or province, the officer may take into custody and detain, for a reasonable time, the specialized forest products, all supporting documents, invoices, and bills of lading, and the vehicle in which the products were transported until the true origin of the specialized forest products can be determined.

**Sec. 8.** RCW 76.48.096 and 1979 ex.s. c 94 s 10 are each amended to read as follows:

It (~~shall be~~) is unlawful for any cedar processor to purchase, take possession, or retain cedar products or cedar salvage subsequent to the harvesting and prior to the retail sale of (~~such~~) the products, unless the supplier thereof displays a specialized forest products permit, or true copy thereof (~~which~~) that appears to be valid, or obtains the information (~~pursuant to~~) under RCW 76.48.075(5).

**Sec. 9.** RCW 76.48.098 and 1979 ex.s. c 94 s 11 are each amended to read as follows:

Every cedar processor shall prominently display a valid registration certificate, or copy thereof, obtained from the department of revenue (~~pursuant to~~) under RCW 82.32.030 at each location where (~~such~~) the processor receives cedar products or cedar salvage.

Permittees shall sell cedar products or cedar salvage only to cedar processors displaying registration certificates which appear to be valid.

**Sec. 10.** RCW 76.48.100 and 1979 ex.s. c 94 s 12 are each amended to read as follows:

The provisions of this chapter (~~shall~~) do not apply to:

- (1) Nursery grown products.
- (2) Logs (except as included in the definition of "cedar salvage" under RCW 76.48.020), poles, pilings, or other major forest products from which substantially all of the limbs and branches have been removed, and cedar salvage when harvested concurrently with timber stands (a) under an approved forest practices application or notification, or (b) under a contract or permit issued by an agency of the United States government.

(3) The activities of a landowner, his or her agent, or representative, or of a lessee of land in carrying on noncommercial property management, mainte-



nance, or improvements on or in connection with the land of ~~((such))~~ the landowner or lessee.

**Sec. 11.** RCW 76.48.110 and 1979 ex.s. c 94 s 13 are each amended to read as follows:

Whenever any law enforcement officer has probable cause to believe that a person is harvesting or is in possession of or transporting specialized forest products in violation of the provisions of this chapter, he or she may, at the time of making an arrest, seize and take possession of any ~~((such))~~ specialized forest products found. The law enforcement officer shall provide reasonable protection for the specialized forest products involved during the period of litigation or he or she shall dispose of ~~((such))~~ the specialized forest products at the discretion or order of the court before which the arrested person is ordered to appear.

Upon any disposition of the case by the court, the court shall make a reasonable effort to return the specialized forest products to ~~((their))~~ its rightful owner or pay the proceeds of any sale of specialized forest products less any reasonable expenses of ~~((such))~~ the sale to the rightful owner. If for any reason, the proceeds of ~~((such))~~ the sale cannot be disposed of to the rightful owner, ~~((such))~~ the proceeds, less the reasonable expenses of the sale, shall be paid to the treasurer of the county in which the violation occurred. The county treasurer shall deposit the same in the county general fund. The return of the specialized forest products or the payment of the proceeds of any sale of products seized to the owner shall not preclude the court from imposing any fine or penalty upon the violator for the violation of the provisions of this chapter.

**Sec. 12.** RCW 76.48.120 and 1979 ex.s. c 94 s 14 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person, upon official inquiry, investigation, or other authorized proceedings, to offer as genuine any paper, document, or other instrument in writing purporting to be a specialized forest products permit, or true copy thereof, authorization, sales invoice, or bill of lading, or to make any representation of authority to possess or conduct harvesting or transporting of specialized forest products, knowing the same to be in any manner false, fraudulent, forged, or stolen.

Any person who knowingly or intentionally violates this section ~~((shall be))~~ is guilty of forgery, and shall be punished as a class C felony providing for imprisonment in a state correctional institution for a maximum term fixed by the court of not more than five years or by a fine of not more than five thousand dollars, or by both ~~((such))~~ imprisonment and fine.

Whenever any law enforcement officer reasonably suspects that a specialized forest products permit or true copy thereof, authorization, sales invoice, or bill of lading is forged, fraudulent, or stolen, it may be retained by the officer until its authenticity can be verified.

**Sec. 13.** RCW 76.48.130 and 1977 ex.s. c 147 s 10 are each amended to read as follows:

~~((Any))~~ A person who violates ~~((any))~~ a provision of this chapter, other than the provisions contained in RCW 76.48.120, as now or hereafter amended, ~~((shall be))~~ is guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not to exceed one year or by both ~~((such))~~ a fine and imprisonment.

NEW SECTION. **Sec. 14.** A new section is added to chapter 76.48 RCW to read as follows:

Buyers who purchase specialized forest products are required to record (1) the permit number; (2) the type of forest product purchased; (3) the permit holder's name; and (4) the amount of forest product purchased. The buyer shall keep a record of this information for a period of one year from the date of purchase and make the records available for inspection by authorized enforcement officials.

The buyer of specialized forest products must record the license plate number of the vehicle transporting the forest products on the bill of sale, as well as the seller's permit number on the bill of sale. This section shall not apply to transactions involving Christmas trees.

The section shall not apply to buyers of specialized forest products at the retail sales level.

NEW SECTION. **Sec. 15.** A new section is added to chapter 76.48 RCW to read as follows:

County sheriffs may contract with other entities to serve as authorized agents to validate specialized forest product permits. These entities include the United States forest service, the bureau of land management, the department of natural resources, local police departments, and other entities as decided upon by the county sheriffs' departments. An entity that contracts with a county sheriff to serve as an authorized agent to validate specialized forest product permits may make reasonable efforts to verify the information provided on the permit form such as the section, township, and range of the area where harvesting is to occur.

NEW SECTION. **Sec. 16.** A new section is added to chapter 76.48 RCW to read as follows:

Records of buyers of specialized forest products collected under the requirements of section 14 of this act may be made available to colleges and universities for the purpose of research.

NEW SECTION. **Sec. 17.** A new section is added to chapter 76.48 RCW to read as follows:

Minority groups have long been participants in the specialized forest products industry. The legislature encourages agencies serving minority communities, community-based organizations, refugee centers, social service agencies, agencies and organizations with expertise in the specialized forest products industry, and other interested groups to work cooperatively to accomplish the following purposes:

(1) To provide assistance and make referrals on translation services and to assist in translating educational materials, laws, and rules regarding specialized forest products;

(2) To hold clinics to teach techniques for effective picking; and

(3) To work with both minority and nonminority permittees in order to protect resources and foster understanding between minority and nonminority permittees.

To the extent practicable within their existing resources, the commission on Asian-American affairs, the commission on Hispanic affairs, and the department of natural resources are encouraged to coordinate this effort.

**NEW SECTION. Sec. 18.** RCW 76.48.092 and 1979 ex.s. c 94 s 8 & 1977 ex.s. c 147 s 14 are each repealed.

**NEW SECTION. Sec. 19.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 23, 1995.

Passed the House April 22, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 367

[Engrossed Second Substitute Senate Bill 5064]

### REGIONAL FISHERIES ENHANCEMENT PROGRAM—REVISIONS

AN ACT Relating to regional fisheries enhancement program; amending RCW 75.50.110, 75.50.120, and 75.08.230; reenacting and amending RCW 75.50.100; adding new sections to chapter 75.50 RCW; adding a new section to chapter 90.58 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 75.50 RCW to read as follows:

The legislature finds that:

(1) Regional enhancement groups are a valuable resource for anadromous fish recovery. They improve critical fish habitat and directly contribute to anadromous fish populations through fish restoration technology.

(2) Due to a decrease in recreational and commercial salmon license sales, regional enhancement groups are receiving fewer financial resources at a time when recovery efforts are needed most.

(3) To maintain regional enhancement groups as an effective enhancement resource, technical assets of state agencies must be coordinated and utilized to maximize the financial resources of regional enhancement groups and overall fish recovery efforts.

**NEW SECTION. Sec. 2.** A new section is added to chapter 75.50 RCW to read as follows:

The department's habitat division shall work with cities, counties, and regional fisheries enhancement groups to develop a program to identify and expedite the removal of human-made or caused impediments to anadromous fish passage. A priority shall be given to projects that immediately increase access to available and improved spawning and rearing habitat for depressed, threatened, and endangered stocks. The department may contract with cities and counties to assist in the identification and removal of impediments to anadromous fish passage.

A report on the progress of impediment identification and removal and the need for any additional legislative action shall be submitted to the senate and the house of representatives natural resources committees no later than January 1, 1996.

**NEW SECTION.** Sec. 3. A new section is added to chapter 75.50 RCW to read as follows:

To maximize available state resources, the department and the department of transportation shall work in partnership with the regional fisheries enhancement group advisory board to identify cooperative projects to eliminate fish passage barriers caused by state roads and highways. The advisory board may provide input to the department to aid in identifying priority barrier removal projects that can be accomplished with the assistance of regional fisheries enhancement groups. The department of transportation shall provide engineering and other technical services to assist regional fisheries enhancement groups with fish passage barrier removal projects, provided that the barrier removal projects have been identified as a priority by the department of fish and wildlife and the department of transportation has received an appropriation to continue the fish barrier removal program.

**\*NEW SECTION.** Sec. 4. A new section is added to chapter 90.58 RCW to read as follows:

*A regional fisheries enhancement group or cooperative group project that is primarily designed to improve fish habitat or fish passage; has been approved by the department of fish and wildlife; has been given or is qualified to be given a hydraulic permit; and has been determined by local government to not substantially affect other concerns of this chapter is exempt from the permitting requirements of this chapter. A letter of exemption must be obtained from the local government, which shall be provided in a timely manner.*

\*Sec. 4 was vetoed. See message at end of chapter.

Sec. 5. RCW 75.50.110 and 1990 c 58 s 4 are each amended to read as follows:

(1) A regional fisheries enhancement group advisory board is established to make recommendations to the director. ~~((The advisory board shall make recommendations regarding regional enhancement group rearing project proposals and funding of those proposals.))~~ The members shall be appointed by the director

and consist of two commercial fishing representatives, two recreational fishing representatives, and three at-large positions. At least two of the advisory board members shall be members of a regional fisheries enhancement group. Advisory board members shall serve three-year terms. The advisory board membership shall include two members serving ex officio to be nominated, one through the Northwest Indian fisheries commission, and one through the Columbia river intertribal fish commission. The chair of the regional fisheries enhancement group advisory board shall be elected annually by members of the regional fisheries enhancement advisory board. The advisory board shall meet at least quarterly. All meetings of the advisory board shall be open to the public under the open public meetings act, chapter 42.30 RCW.

The department shall invite the advisory board to comment and provide input into all relevant policy initiatives, including, but not limited to, wild stock, hatcheries, and habitat restoration efforts.

(2) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The department may use account funds to provide agency assistance to the groups, to provide professional, administrative or clerical services to the advisory board, or to implement the training and technical services plan as developed by the advisory board pursuant to section 6 of this act. The level of account funds used by the department shall be determined by the director after review ~~(and)~~ of recommendation by the regional fisheries enhancement group advisory board and shall not exceed twenty percent of annual contributions to the account.

NEW SECTION. Sec. 6. A new section is added to chapter 75.50 RCW to read as follows:

(1) The regional fisheries enhancement group advisory board shall:

(a) Assess the training and technical assistance needs of the regional fisheries enhancement groups;

(b) Develop a training and technical assistance services plan in order to provide timely, topical technical assistance and training services to regional fisheries enhancement groups. The plan shall be provided to the director and to the senate and house of representatives natural resources committees no later than October 1, 1995, and shall be updated not less than every year. The advisory board shall provide ample opportunity for the public and interested parties to participate in the development of the plan. The plan shall include but is not limited to:

(i) Establishment of an information clearinghouse service that is readily available to regional fisheries enhancement groups. The information clearinghouse shall collect, collate, and make available a broad range of information on subjects that affect the development, implementation, and operation of diverse fisheries and habitat enhancement projects. The information clearinghouse service may include periodical news and informational bulletins;

(ii) An ongoing program in order to provide direct, on-site technical assistance and services to regional fisheries enhancement groups. The advisory board shall assist regional fisheries enhancement groups in soliciting federal, state, and local agencies, tribal governments, institutions of higher education, and private business for the purpose of providing technical assistance and services to regional fisheries enhancement group projects; and

(iii) A cost estimate for implementing the plan;

(c) Propose a budget to the director for operation of the advisory board and implementation of the technical assistance plan;

(d) Make recommendations to the director regarding regional enhancement group project proposals and funding of those proposals; and

(e) Establish criteria for the redistribution of unspent project funds for any regional enhancement group that has a year ending balance exceeding one hundred thousand dollars.

(2) The regional fisheries enhancement group advisory board may:

(a) Facilitate resolution of disputes between regional fisheries enhancement groups and the department;

(b) Promote community and governmental partnerships that enhance the salmon resource and habitat;

(c) Promote environmental ethics and watershed stewardship;

(d) Advocate for watershed management and restoration;

(e) Coordinate regional fisheries enhancement group workshops and training;

(f) Monitor and evaluate regional fisheries enhancement projects;

(g) Provide guidance to regional fisheries enhancement groups; and

(h) Develop recommendations to the director to address identified impediments to the success of regional fisheries enhancement groups.

**Sec. 7.** RCW 75.50.120 and 1990 c 58 s 5 are each amended to read as follows:

The department and the regional fisheries enhancement group advisory board shall report biennially to the senate (~~(environment and natural resources committee,)~~) and the house of representatives (~~(fisheries and wildlife))~~ natural resources committees, the senate ways and means committee and house of representatives fiscal committees, or any successor committees beginning October 1, 1991. The report shall include but not be limited to the following:

(1) An evaluation of enhancement efforts;

(2) A description of projects;

(3) A region by region accounting of financial contribution and expenditures including the enhancement group account funds; (~~and~~)

(4) Volunteer participation and member affiliation, including an inventory of volunteer hours dedicated to the program;

(5) An evaluation of technical assistance training efforts and agency participation;

(6) Identification of impediments to regional fisheries enhancement group success; and

(7) Suggestions for legislative action that would further the enhancement of salmonid resources.

*\*Sec. 8. RCW 75.50.100 and 1993 sp.s. c 17 s 11 and 1993 c 340 s 53 are each reenacted and amended to read as follows:*

*The dedicated regional fisheries enhancement group account is created in the custody of the state treasurer. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.*

*A surcharge of one dollar shall be collected on each recreational personal use food fish license sold in the state. A surcharge of one hundred dollars shall be collected on each commercial salmon fishery license, each salmon delivery license, and each salmon charter license sold in the state. The department shall study methods for collecting and making available, an annual list, including names and addresses, of all persons who obtain recreational and commercial salmon fishing licenses. This list may be used to assist formation of the regional fisheries enhancement groups and allow the broadest participation of license holders in enhancement efforts. The results of the study shall be reported to the house of representatives fisheries and wildlife committee and the senate environment and natural resources committee by October 1, 1990. All receipts shall be placed in the regional fisheries enhancement group account and shall be used exclusively for regional fisheries enhancement group projects for the purposes of RCW 75.50.110. Funds from the regional fisheries enhancement group account shall not serve as replacement funding for department operated salmon projects that exist on January 1, 1991.*

*All revenue from the department's sale of salmon carcasses and eggs that return to group facilities shall be deposited in the regional fisheries enhancement group account for use by the regional fisheries enhancement group that produced the surplus. Revenue from any enhancement group's sale of salmon carcasses and eggs conducted pursuant to section 9 of this act shall also be deposited in the regional fisheries enhancement group account. The director shall adopt rules to implement this section pursuant to chapter 34.05 RCW.*

*\*Sec. 8 was vetoed. See message at end of chapter.*

*\*NEW SECTION. Sec. 9. A new section is added to chapter 75.50 RCW to read as follows:*

*The department shall establish a hatchery egg and carcass take program for projects conducted by regional fisheries enhancement groups. Under the program, salmon that have returned to the hatchery of a regional fisheries enhancement group, and the eggs from those salmon, may be sold by the group in accordance with rules established by the department. All proceeds from sales of salmon eggs and carcasses that return to group facilities shall be deposited in the dedicated regional fisheries enhancement group account for*

*reallocation to the regional fisheries enhancement group or groups sponsoring the project.*

*Prior to engaging in salmon egg sales under this program, the regional fisheries enhancement group shall ensure that all on-station needs are fulfilled and that the eggs are made available for other appropriate department or tribal hatchery needs, or other group projects.*

*The department, in consultation with the regional fisheries enhancement group advisory board, shall develop rules in accordance with chapter 34.05 RCW for the purpose of implementing this section. The rules shall include the following:*

- (1) Requirements for conducting sales under the program;*
- (2) Accounting procedures for tracking sales;*
- (3) Provisions for ensuring compliance with the wild salmonid policy established under RCW 75.28.760; and*
- (4) Provisions for reallocating proceeds generated under this section to the regional fisheries enhancement group or groups sponsoring the project that generated the proceeds.*

\*Sec. 9 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 10. A new section is added to chapter 75.50 RCW to read as follows:

The department shall coordinate with the regional fisheries enhancement group advisory board to field test coho and chinook salmon remote site incubators. The purpose of field testing efforts shall be to gather conclusive scientific data on the effectiveness of coho and chinook remote site incubators.

Sec. 11. RCW 75.08.230 and 1993 c 340 s 48 are each amended to read as follows:

(1) Except as provided in this section, state and county officers receiving the following moneys shall deposit them in the state general fund:

- (a) The sale of licenses required under this title;
- (b) The sale of property seized or confiscated under this title;
- (c) Fines and forfeitures collected under this title;
- (d) The sale of real or personal property held for department purposes;
- (e) Rentals or concessions of the department;
- (f) Moneys received for damages to food fish, shellfish or department property; and
- (g) Gifts.

(2) The director shall make weekly remittances to the state treasurer of moneys collected by the department.

(3) All fines and forfeitures collected or assessed by a district court for a violation of this title or rule of the director shall be remitted as provided in chapter 3.62 RCW.

(4) Proceeds from the sale of food fish or shellfish taken in test fishing conducted by the department, to the extent that these proceeds exceed the



estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270 to reimburse the department for unanticipated costs for test fishing operations in excess of the allowance in the budget approved by the legislature.

(5) Proceeds from the sale of salmon carcasses and salmon eggs from state general funded hatcheries by the department (~~(, to the extent these proceeds exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for hatchery operations partially or wholly financed by sources other than state general revenues or for purposes of processing human consumable salmon for disposal)~~) of general administration shall be deposited in the regional fisheries enhancement group account established in RCW 75.50.100.

(6) Moneys received by the director under RCW 75.08.045, to the extent these moneys exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for the specific purpose for which the moneys were received, unless the moneys were received in settlement of a claim for damages to food fish or shellfish, in which case the moneys may be expended for the conservation of these resources.

(7) Proceeds from the sale of herring spawn on kelp fishery licenses by the department, to the extent those proceeds exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for herring management, enhancement, and enforcement.

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. 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 18, 1995.

Passed the House April 10, 1995.

Approved by the Governor May 16, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 16, 1995.

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

"I am returning herewith, without my approval as to sections 4, 8, and 9, Engrossed Second Substitute Senate Bill No. 5064 entitled:

"AN ACT Relating to regional fisheries enhancement program;"

Engrossed Second Substitute Senate Bill No. 5064 makes changes to funding and assistance provided to regional fisheries enhancement groups. It will provide additional needed revenue to these groups by transferring funds from the sale of eggs and carcasses from state operated hatcheries to the regional enhancement group account.

Section 4 exempts regional fisheries enhancement groups and fish and wildlife cooperative fish habitat and fish passage projects from the state Shorelines Management Act. This language is substantially equivalent to that contained in Substitute Senate Bill No. 5155. Because Substitute Senate Bill No. 5155 provided this same exemption to all public groups, including regional fisheries enhancement groups, this section is unnecessary.

Section 8 of Engrossed Second Substitute Senate Bill No. 5064 requires the revenue from the sales of eggs and carcasses authorized under section 9 to be deposited into the regional fisheries enhancement group account. Section 9 directs the Department of Fish and Wildlife to establish a program that will allow each of the twelve regional fisheries enhancement groups to sell eggs and carcasses from fish returning to their group project. The revenue from these sales is deposited into the regional fisheries enhancement group account for reallocation to the group or groups sponsoring the project.

The Department of Fish and Wildlife is authorized under present law to sell eggs and carcasses from group projects. The revenue from these sales goes to the regional fisheries enhancement group account for reallocation to the group or groups sponsoring the project. Allowing each of the groups to individually undertake sales would make accountability more difficult and potentially jeopardize the department's present ability to dispose of carcasses from state owned facilities.

I am directing the Department of Fish and Wildlife to work with the regional fisheries enhancement groups to assure an appropriate level of income from the sales of eggs and carcasses and to assure distribution of those funds to these groups.

For these reasons, I have vetoed sections 4, 8, and 9 of Engrossed Second Substitute Senate Bill No. 5064

With the exception of sections 4, 8, and 9, Engrossed Second Substitute Senate Bill No. 5064 is approved."

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## CHAPTER 368

[Substitute Senate Bill 5092]

### LIBRARY CAPITAL FACILITY AREAS

AN ACT Relating to library facilities; adding a new section to chapter 36.32 RCW; adding a new chapter to Title 27 RCW; and repealing RCW 27.14.010, 27.14.015, 27.14.020, 27.14.030, 27.14.035, 27.14.040, and 27.14.050.

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

**NEW SECTION.** **Sec. 1.** The legislature finds that it is in the interests of the people of the state of Washington to be able to establish library capital facility areas as quasi-municipal corporations and independent taxing units existing within the boundaries of existing rural county library districts, rural intercounty library districts, rural partial-county library districts, or island library districts, for the purpose of financing the construction of capital library facilities.

**NEW SECTION.** **Sec. 2.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Library district" means rural county library district, rural intercounty library district, rural partial-county library district, or island library district.

(2) "Library capital facility area" means a quasi-municipal corporation and independent taxing authority within the meaning of Article VII, section I of the state Constitution, and a taxing district within the meaning of Article VII, section 2 of the state Constitution, created by a county legislative authority of one or

several counties. A library capital facility area may include all or a portion of a city or town.

(3) "Library capital facilities" includes both real and personal property including, but not limited to, land, buildings, site improvements, equipment, furnishings, collections, and all necessary costs related to acquisition, financing, design, construction, equipping, and remodeling.

**NEW SECTION. Sec. 3.** Upon receipt of a completed written request to both establish a library capital facilities area and submit a ballot proposition under section 6 of this act to finance library capital facilities, that is signed by a majority of the members of the board of trustees of a library district or board of trustees of a city or town library, the county legislative authority or county legislative authorities for the county or counties in which a proposed library capital facility area is to be established shall submit separate ballot propositions to voters to authorize establishing the proposed library capital facilities area and authorizing the library capital facilities area, if established, to finance library capital facilities by issuing general indebtedness and imposing excess levies to retire the indebtedness. The ballot propositions may only be submitted to voters at a general election. Approval of the ballot proposition to create a library capital facilities area shall be by a simple majority vote.

A completed request submitted under this section shall include: (1) A description of the boundaries of the library capital facility area; and (2) a copy of the resolution of the legislative authority of each city or town, and board of trustees of each library district, with territory included within the proposed library capital facilities area indicating both: (a) Its approval of the creation of the proposed library capital facilities area; and (b) agreement on how election costs will be paid for submitting ballot propositions to voters that authorize the library capital facilities area to incur general indebtedness and impose excess levies to retire the general indebtedness.

**NEW SECTION. Sec. 4.** The governing body of the library capital facility area shall be three members of the county legislative authority from each county in which the library capital facility area is located. In counties that have more than three members of their legislative body, the three members who shall serve on the governing body of the library capital facility area shall be chosen by the full membership of the county legislative authority. Where the library capital facility area is located in more than one county, a county may be represented by less than three members by mutual agreement of the legislative authorities of the participating counties.

**NEW SECTION. Sec. 5.** A library capital facilities area may construct, acquire, maintain, and remodel library capital facilities and the governing body of the library capital facility area may, by interlocal agreement or otherwise, contract with a county, city, town, or library district to design, administer the construction of, operate, or maintain a library capital facility financed pursuant to this chapter. Legal title to library capital facilities acquired or constructed

pursuant to this chapter may be transferred, acquired, or held by the library capital facility area or by a county, city, town, or library district in which the facility is located.

**NEW SECTION.** Sec. 6. (1) A library capital facility area may contract indebtedness or borrow money to finance library capital facilities and may issue general obligation bonds for such purpose not exceeding an amount, together with any existing indebtedness of the library capital facility area, equal to one and one-quarter percent of the value of the taxable property in the district and impose excess property tax levies to retire the general indebtedness as provided in RCW 39.36.050 if a ballot proposition authorizing both the indebtedness and excess levies is approved by at least three-fifths of the voters of the library capital facility area voting on the proposition, and the total number of voters voting on the proposition constitutes not less than forty percent of the total number of voters in the library capital facility area voting at the last preceding general election. The term "value of the taxable property" has the meaning set forth in RCW 39.36.015. Such a proposition may only be submitted to voters at a general election and may be submitted to voters at the same election as the election when the ballot proposition authorizing the establishing of the library capital facilities district is submitted.

(2) A library capital facility area may accept gifts or grants of money or property of any kind for the same purposes for which it is authorized to borrow money in subsection (1) of this section.

**NEW SECTION.** Sec. 7. (1) A library capital facility area may be dissolved by a majority vote of the governing body when all obligations under any general obligation bonds issued by the library capital facility area have been discharged and any other contractual obligations of the library capital facility area have either been discharged or assumed by another governmental entity.

(2) A library capital facility area shall be dissolved by the governing body if the first two ballot propositions under section 6 of this act that are submitted to voters are not approved.

**NEW SECTION.** Sec. 8. A new section is added to chapter 36.32 RCW to read as follows:

A county legislative authority may establish a library capital facility area pursuant to chapter 27.— RCW (sections 1 through 7 of this act).

**NEW SECTION.** Sec. 9. The following acts or parts of acts are each repealed:

- (1) RCW 27.14.010 and 1961 c 162 s 1;
- (2) RCW 27.14.015 and 1963 c 80 s 5;
- (3) RCW 27.14.020 and 1963 c 80 s 1 & 1961 c 162 s 2;
- (4) RCW 27.14.030 and 1963 c 80 s 2 & 1961 c 162 s 3;
- (5) RCW 27.14.035 and 1963 c 80 s 3;
- (6) RCW 27.14.040 and 1963 c 80 s 4 & 1961 c 162 s 4; and
- (7) RCW 27.14.050 and 1961 c 162 s 5.

**NEW SECTION. Sec. 10.** Sections 1 through 7 of this act shall constitute a new chapter in Title 27 RCW.

Passed the Senate April 21, 1995.

Passed the House April 6, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 369

[Engrossed Substitute Senate Bill 5093]

### FIRE PROTECTION DUTIES—TRANSFER TO STATE PATROL

AN ACT Relating to fire protection; amending RCW 4.24.400, 9.40.100, 18.20.130, 18.46.110, 18.51.140, 18.51.145, 19.27A.110, 28A.305.130, 38.54.010, 38.54.030, 38.54.050, 43.43.710, 43.63A.300, 43.63A.310, 43.63A.320, 43.63A.330, 43.63A.340, 43.63A.350, 43.63A.360, 43.63A.370, 43.63A.377, 46.37.467, 48.05.320, 48.48.030, 48.48.040, 48.48.050, 48.48.060, 48.48.065, 48.48.070, 48.48.080, 48.48.090, 48.48.110, 48.48.140, 48.48.150, 48.50.020, 48.50.040, 48.53.020, 48.53.060, 70.41.080, 70.75.020, 70.75.030, 70.75.040, 70.77.170, 70.77.250, 70.77.305, 70.77.315, 70.77.330, 70.77.360, 70.77.365, 70.77.375, 70.77.415, 70.77.430, 70.77.455, 70.77.460, 70.77.465, 70.77.575, 70.77.580, 70.108.040, 70.160.060, 71.12.485, 74.15.050, 74.15.080, and 52.12.031; adding a new section to chapter 43.10 RCW; adding new sections to chapter 43.43 RCW; creating new sections; recodifying RCW 43.63A.300, 43.63A.310, 43.63A.320, 43.63A.330, 43.63A.340, 43.63A.350, 43.63A.360, 43.63A.370, 43.63A.375, 43.63A.377, and 43.63A.380; repealing RCW 48.48.120; providing an effective date; and declaring an emergency.

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

**NEW SECTION. Sec. 1.** (1) All powers, duties, and functions of the department of community development or the department of community, trade, and economic development pertaining to fire protection are transferred to the Washington state patrol. All references to the director or the department of community development or the department of community, trade, and economic development in the Revised Code of Washington shall be construed to mean the chief of the Washington state patrol or the Washington state patrol when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of community development or the department of community, trade, and economic development pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the Washington state patrol. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of community development or the department of community, trade, and economic development in carrying out the powers, functions, and duties transferred shall be made available to the Washington state patrol. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the Washington state patrol.

(b) Any appropriations made to the department of community development or the department of community, trade, and economic development for carrying out the powers, functions, and duties transferred shall, on the effective date of

this section, be transferred and credited to the Washington state patrol to carry out the responsibilities of the fire protection policy board and the director of fire protection.

(c) 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.

(3) All employees of the department of community development or the department of community, trade, and economic development engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the Washington state patrol. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington state patrol 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.

(4) All rules and all pending business before the department of community development or the department of community, trade, and economic development pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the Washington state patrol. All existing contracts and obligations shall remain in full force and shall be performed by the Washington state patrol.

(5) The transfer of the powers, duties, functions, and personnel of the department of community development or the department of community, trade, and economic development shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, 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.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

**Sec. 2.** RCW 4.24.400 and 1986 c 266 s 79 are each amended to read as follows:

No building warden, who acts in good faith, with or without compensation, shall be personally liable for civil damages arising from his or her negligent acts or omissions during the course of assigned duties in assisting others to evacuate industrial, commercial, governmental or multi-unit residential buildings or in attempting to control or alleviate a hazard to the building or its occupants caused by fire, earthquake or other threat to life or limb. The term "building warden"

means an individual who is assigned to take charge of the occupants on a floor or in an area of a building during an emergency in accordance with a predetermined fire safety or evacuation plan; and/or an individual selected by a municipal fire chief or the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, after an emergency is in progress to assist in evacuating the occupants of such a building or providing for their safety. This section shall not apply to any acts or omissions constituting gross negligence or wilful or wanton misconduct.

**Sec. 3.** RCW 9.40.100 and 1990 c 177 s 1 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~~) chief of the Washington state patrol, 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.

**Sec. 4.** RCW 18.20.130 and 1986 c 266 s 81 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all boarding homes to be licensed hereunder, shall be the responsibility of the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, who shall adopt such recognized standards as may be applicable to boarding homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make an inspection of the boarding home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, he or she shall promptly make a written report to the boarding home and the department or

authorized department as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, authorized department, applicant or licensee shall notify the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, upon completion of any requirements made by him or her, and the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the boarding home to be licensed meets with the approval of the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, he or she shall submit to the department or authorized department, a written report approving same with respect to fire protection before a full license can be issued. The ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, shall make or cause to be made inspections of such homes at least annually.

In cities which have in force a comprehensive building code, the provisions of which are determined by the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, to be equal to the minimum standards of the code for boarding homes adopted by the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued.

Sec. 5. RCW 18.46.110 and 1986 c 266 s 82 are each amended to read as follows:

Fire protection with respect to all maternity homes to be licensed hereunder, shall be the responsibility of the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, who shall adopt by reference, such recognized standards as may be applicable to nursing homes, places of refuge, and maternity homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make an inspection of the maternity home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, he or she shall



promptly make a written report to the department as to the manner in which the premises may qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, applicant or licensee shall notify the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, upon completion of any requirements made by him or her, and the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the maternity home to be licensed meets with the approval of the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, he or she shall submit to the department, a written report approving same with respect to fire protection before a license can be issued. The ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, shall make or cause to be made such inspection of such maternity homes as he or she deems necessary.

In cities which have in force a comprehensive building code, the regulation of which is equal to the minimum standards of the code for maternity homes adopted by the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, the building inspector and the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection and shall approve the premises before a license can be issued.

In cities where such building codes are in force, the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, may, upon request by the chief fire official, or the local governing body, or of a taxpayer of such city, assist in the enforcement of any such code pertaining to maternity homes.

**Sec. 6.** RCW 18.51.140 and 1986 c 266 s 83 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all nursing homes to be licensed hereunder, shall be the responsibility of the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, who shall adopt such recognized standards as may be applicable to nursing homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make an inspection of the nursing home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the ~~((director of community development))~~ chief of the

Washington state patrol, through the director of fire protection, he or she shall promptly make a written report to the nursing home and the department as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, applicant or licensee shall notify the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, upon completion of any requirements made by him or her, and the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the nursing home to be licensed meets with the approval of the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, he or she shall submit to the department, a written report approving same with respect to fire protection before a full license can be issued. The (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, shall make or cause to be made inspections of such nursing homes at least annually.

In cities which have in force a comprehensive building code, the provisions of which are determined by the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, to be equal to the minimum standards of the code for nursing homes adopted by the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued.

Sec. 7. RCW 18.51.145 and 1986 c 266 s 84 are each amended to read as follows:

Inspections of nursing homes by local authorities shall be consistent with the requirements of chapter 19.27 RCW, the state building code. Findings of a serious nature shall be coordinated with the department and the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, for determination of appropriate actions to ensure a safe environment for nursing home residents. The (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, shall have exclusive authority to determine appropriate corrective action under this section.

Sec. 8. RCW 19.27A.110 and 1986 c 266 s 85 are each amended to read as follows:

The (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, is the only authority having jurisdiction over the approval of portable oil-fueled heaters. The sale and use of

portable oil-fueled heaters is governed exclusively by RCW 19.27A.080 through 19.27A.120: PROVIDED, That cities and counties may adopt local standards as provided in RCW 19.27.040.

**Sec. 9.** RCW 28A.305.130 and 1991 c 116 s 11 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve or disapprove the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

(2) Conduct every five years a review of the program approval standards, including the minimum standards for teachers, administrators, and educational staff associates, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and educational staff associates.

(3) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) above, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(4)(a) The state board of education shall adopt rules to allow a teacher certification candidate to fulfill, in part, teacher preparation program requirements through work experience as a noncertificated teacher's aide in a public school or private school meeting the requirements of RCW 28A.195.010. The rules shall include, but are not limited to, limitations based upon the recency of the teacher preparation candidate's teacher aide work experience, and limitations based on the amount of work experience that may apply toward teacher preparation program requirements under this chapter.

(b) The state board of education shall require that at the time of the individual's enrollment in a teacher preparation program, the supervising teacher and the building principal shall jointly provide to the teacher preparation program of the higher education institution at which the teacher candidate is enrolled, a written assessment of the performance of the teacher candidate. The assessment shall contain such information as determined by the state board of education and shall include: Evidence that at least fifty percent of the candidate's work as a noncertificated teacher's aide was involved in instructional activities with children under the supervision of a certificated teacher and that the candidate worked a minimum of six hundred thirty hours for one school year; the type of work performed by the candidate; and a recommendation of whether the candidate's work experience as a noncertificated teacher's aide should be substituted for teacher preparation program requirements. In compliance with such rules as may be established by the state board of education under this section, the teacher preparation programs of the higher education institution

where the candidate is enrolled shall make the final determination as to what teacher preparation program requirements may be fulfilled by teacher aide work experience.

(5) Supervise the issuance of such certificates as provided for in subsection (1) above and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.410.010.

(6) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades one through twelve: PROVIDED, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such pre-accreditation examination and evaluation processes as may now or hereafter be established by the board.

(7) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

(8) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

(9) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

(10) Carry out board powers and duties relating to the organization and reorganization of school districts under RCW 28A.315.010 through 28A.315.680 and 28A.315.900.

(11) By rule or regulation promulgated upon the advice of the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

(12) Hear and decide appeals as otherwise provided by law.

The state board of education is given the authority to promulgate information and rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools.

**Sec. 10.** RCW 38.54.010 and 1992 c 117 s 9 are each amended to read as follows:

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

~~(1) ("Department" means the department of community development.~~

~~(2) "Director" means the director of the department of community development.~~

~~(3))~~ "State fire marshal" means the assistant director of the division of fire protection services in the ~~((department of community development))~~ Washington state patrol.

~~((4))~~ (2) "Fire chief" includes the chief officer of a statutorily authorized fire agency, or the fire chief's authorized representative. Also included are the department of natural resources fire control chief, and the department of natural resources regional managers.

~~((5))~~ (3) "Jurisdiction" means state, county, city, fire district, or port district ~~((fire))~~ fire fighting units, or other units covered by this chapter.

~~((6))~~ (4) "Mobilization" means that fire fighting resources beyond those available through existing agreements will be requested and, when available, sent to fight a fire that has or soon will exceed the capabilities of available local resources. During a large scale fire emergency, mobilization includes redistribution of regional or state-wide fire fighting resources to either direct fire fighting assignments or to assignment in communities where fire fighting resources are needed. This chapter shall not reduce or suspend the authority or responsibility of the department of natural resources under chapter 76.04 RCW.

~~((7))~~ (5) "Mutual aid" means emergency interagency assistance provided without compensation under ~~((and -an))~~ an agreement between jurisdictions under chapter 39.34 RCW.

**\*Sec. 11.** RCW 38.54.030 and 1992 c 117 s 11 are each amended to read as follows:

*There is created the state fire defense board consisting of the state fire marshal, a representative from the department of natural resources appointed by the commissioner of public lands, the assistant director of the emergency management division of the department of community, trade, and economic development, and one representative selected by each regional fire defense board in the state. Members of the state fire defense board shall select from among themselves a chairperson. Members serving on the board do so in a voluntary capacity and are not eligible for reimbursement for meeting-related expenses from the state.*

*The state fire defense board shall develop and maintain the Washington state fire services mobilization plan, which shall include the procedures to be*

*used during fire emergencies for coordinating local, regional, and state fire jurisdiction resources. The Washington state fire services mobilization plan shall be consistent with, and made part of, the Washington state comprehensive emergency management plan. The director shall review the fire services mobilization plan as submitted by the state fire defense board and after consultation with the fire protection policy board, recommend changes that may be necessary, and approve the fire services mobilization plan for inclusion within the state comprehensive emergency management plan.*

*It is the responsibility of the ((director)) chief of the Washington state patrol to mobilize jurisdictions under the Washington state fire services mobilization plan. The state fire marshal shall serve as the state fire resources coordinator when the Washington state fire services mobilization plan is mobilized.*

\*Sec. 11 was vetoed. See message at end of chapter.

*\*Sec. 12. RCW 38.54.050 and 1992 c 117 s 13 are each amended to read as follows:*

*The department of community, trade, and economic development in consultation with the office of financial management shall develop procedures to facilitate reimbursement to jurisdictions from appropriate federal and state funds when jurisdictions are mobilized by the ((director)) chief of the Washington state patrol under the Washington state fire services mobilization plan.*

\*Sec. 12 was vetoed. See message at end of chapter.

*Sec. 13. RCW 43.43.710 and 1987 c 486 s 11 are each amended to read as follows:*

Information contained in the files and records of the section relative to the commission of any crime by any person shall be considered privileged and shall not be made public or disclosed for any personal purpose or in any civil court proceedings except upon a written order of the judge of a court wherein such civil proceedings are had. All information contained in the files of the section relative to criminal records and personal histories of persons arrested for the commission of a crime shall be available to all criminal justice agencies ~~((and, for the sole purpose of investigating the cause of fires under RCW 48.48.060(2) where the cause is suspected to be arson, to the director of community development, through the director of fire protection;))~~ upon the filing of an application as provided in RCW 43.43.705.

Although no application for information has been made to the section as provided in RCW 43.43.705, the section may transmit such information in the chief's discretion, to such agencies as are authorized by RCW 43.43.705 to make application for it.

*Sec. 14. RCW 43.63A.300 and 1993 c 280 s 68 are each amended to read as follows:*

The legislature finds that fire protection services at the state level are provided by different, independent state agencies. This has resulted in a lack of a comprehensive state-level focus for state fire protection services, funding, and policy. The legislature further finds that the paramount duty of the state in fire protection services is to enhance the capacity of all local jurisdictions to assure that their personnel with fire suppression, prevention, inspection, origin and cause, and arson investigation responsibilities are adequately trained to discharge their responsibilities. It is the intent of the legislature to consolidate fire protection services into a single state agency and to create a state board with the responsibility of (1) establishing a comprehensive state policy regarding fire protection services and (2) advising the ~~((director of community, trade, and economic development))~~ chief of the Washington state patrol and the director of fire protection on matters relating to their duties under state law. It is also the intent of the legislature that the fire protection services program created herein will assist local fire protection agencies in program development without encroaching upon their historic autonomy. It is the further intent of the legislature that the fire protection services program be implemented incrementally to assure a smooth transition, to build local, regional, and state capacity, and to avoid undue burdens on jurisdictions with limited resources.

Sec. 15. RCW 43.63A.310 and 1986 c 266 s 55 are each amended to read as follows:

There is created the state fire protection policy board consisting of ~~((ten))~~ eight members appointed by the governor:

(1) ~~((Three))~~ One representative~~((s))~~ of fire chiefs~~((—At least one shall be from a fire department east of the Cascade mountains and at least one shall be from a fire department west of the Cascade mountains. One shall be from a fire protection district))~~;

(2) One insurance industry representative;

(3) One representative of cities and towns;

(4) One representative of counties;

(5) ~~((Two))~~ One full-time, paid, career fire fighter~~((s))~~;

(6) One volunteer fire fighter; ~~((and))~~

(7) One representative of fire commissioners; and

(8) One representative of fire control programs of the department of natural resources.

In making the appointments required under subsections (1) through (7) of this section, the governor shall (a) seek the advice of and consult with organizations involved in fire protection; and (b) ensure that racial minorities, women, and persons with disabilities are represented.

The terms of the appointed members of the board shall be three years and until a successor is appointed and qualified. However, initial board members shall be appointed as follows: Three members to terms of one year, three members to terms of two years, and four members to terms of three years. In the case of a vacancy of a member appointed under subsections (1) through (7)

of this section, the governor shall appoint a new representative to fill the unexpired term of the member whose office has become vacant. A vacancy shall occur whenever an appointed member ceases to be employed in the occupation the member was appointed to represent. The members of the board appointed pursuant to subsections (1) and (5) of this section and holding office on the effective date of this section shall serve the remainder of their terms, and the reduction of the board required by section 15, chapter —, Laws of 1995 (this section), shall occur upon the expiration of their terms.

The appointed members of the board shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

The board shall select its own chairperson and shall meet at the request of the governor or the chairperson and at least four times per year.

Sec. 16. RCW 43.63A.320 and 1993 c 280 s 69 are each amended to read as follows:

Except for matters relating to the statutory duties of the ~~((director of community, trade, and economic development which))~~ chief of the Washington state patrol that are to be carried out through the director of fire protection, the board shall have the responsibility of developing a comprehensive state policy regarding fire protection services. In carrying out its duties, the board shall:

(1)(a) Adopt a state fire training and education master plan that allows to the maximum feasible extent for negotiated agreements: (i) With the state board for community and technical colleges to provide academic, vocational, and field training programs for the fire service and (ii) with the higher education coordinating board and the state colleges and universities to provide instructional programs requiring advanced training, especially in command and management skills;

(b) Adopt minimum standards for each level of responsibility among personnel with fire suppression, prevention, inspection, and investigation responsibilities that assure continuing assessment of skills and are flexible enough to meet emerging technologies. With particular respect to training for fire investigations, the master plan shall encourage cross training in appropriate law enforcement skills. To meet special local needs, fire agencies may adopt more stringent requirements than those adopted by the state;

(c) Cooperate with the common schools, technical and community colleges, institutions of higher education, and any department or division of the state, or of any county or municipal corporation in establishing and maintaining instruction in fire service training and education in accordance with any act of congress and legislation enacted by the legislature in pursuance thereof and in establishing, building, and operating training and education facilities.

Industrial fire departments and private fire investigators may participate in training and education programs under this chapter for a reasonable fee established by rule;



(d) Develop and adopt a master plan for constructing, equipping, maintaining, and operating necessary fire service training and education facilities subject to the provisions of chapter 43.19 RCW; and

(e) Develop and adopt a master plan for the purchase, lease, or other acquisition of real estate necessary for fire service training and education facilities in a manner provided by law.

(2) In addition to its responsibilities for fire service training, the board shall:

(a) Adopt a state fire protection master plan;

~~((2))~~ (b) Monitor fire protection in the state and develop objectives and priorities to improve fire protection for the state's citizens including: (i) The comprehensiveness of state and local inspections required by law for fire and life safety; (ii) the level of skills and training of inspectors, as well as needs for additional training; and (iii) the efforts of local, regional, and state inspection agencies to improve coordination and reduce duplication among inspection efforts;

~~((3))~~ (c) Establish and promote state arson control programs and ensure development of local arson control programs;

~~((4))~~ (d) Provide representation for local fire protection services to the governor in state-level fire protection planning matters such as, but not limited to, hazardous materials control;

~~((5))~~ (e) Seek and solicit grants, gifts, bequests, ~~((devices))~~ devises, and matching funds for use in furthering the objectives and duties of the board, and establish procedures for administering them;

~~((6))~~ (f) Promote mutual aid and disaster planning for fire services in this state;

~~((7))~~ (g) Assure the dissemination of information concerning the amount of fire damage including that damage caused by arson, and its causes and prevention;

~~((8))~~ (h) Submit ~~((annually a))~~ an annual report to the governor ~~((containing a statement of))~~ describing its ~~((official acts))~~ activities undertaken pursuant to this chapter, and make such studies, reports, and recommendations to the governor and the legislature as are requested; and

~~((9))~~ Adopt a state fire training and education master plan;

~~((10))~~ Develop and adopt a master plan for the construction, equipping, maintaining, and operation of necessary fire service training and education facilities, but the authority to construct, equip, and maintain such facilities is subject to chapter 43.19 RCW;

~~((11))~~ Develop and adopt a master plan for the purchase, lease, or other acquisition of real estate necessary to establish and operate fire service training and education facilities in a manner provided by law;

~~((12))~~ Adopt standards for state-wide fire service training and education courses including courses in arson detection and investigation for personnel of fire, police, and prosecutor's departments;

~~(13) Assure the administration of)~~ (i) Implement any legislation enacted by the legislature ~~((in pursuance of the aims and purposes))~~ to meet the requirements of any acts of congress ~~((insofar as the provisions thereof may))~~ that apply

~~(14) Cooperate with the common schools, community colleges, institutions of higher education, and any department or division of the state, or of any county or municipal corporation in establishing and maintaining instruction in fire service training and education in accordance with any act of Congress and legislation enacted by the legislature in pursuance thereof and in establishing, building, and operating training and education facilities.~~

~~This section does not apply to forest fire service personnel and programs. Industrial fire departments and private fire investigators may participate in training and education programs under this chapter for a reasonable fee established by rule))~~ to this section.

(3) In carrying out its statutory duties, the board shall give particular consideration to the appropriate roles to be played by the state and by local jurisdictions with fire protection responsibilities. Any determinations on the division of responsibility shall be made in consultation with local fire officials and their representatives.

To the extent possible, the board shall encourage development of regional units along compatible geographic, population, economic, and fire risk dimensions. Such regional units may serve to: (a) Reinforce coordination among state and local activities in fire service training, reporting, inspections, and investigations; (b) identify areas of special need, particularly in smaller jurisdictions with inadequate resources; (c) assist the state in its oversight responsibilities; (d) identify funding needs and options at both the state and local levels; and (e) provide models for building local capacity in fire protection programs.

**Sec. 17.** RCW 43.63A.330 and 1993 c 280 s 70 are each amended to read as follows:

In regards to the statutory duties of the ~~((director of community, trade, and economic development which))~~ chief of the Washington state patrol that are to be carried out through the director of fire protection, the board shall serve in an advisory capacity in order to enhance the continuity of state fire protection services. In this capacity, the board shall:

(1) Advise the ~~((director of community, trade, and economic development))~~ chief of the Washington state patrol and the director of fire protection on matters pertaining to their duties under law; and

(2) Advise the ~~((director of community, trade, and economic development))~~ chief of the Washington state patrol and the director of fire protection on all budgeting and fiscal matters pertaining to the duties of the director of fire protection and the board.

**Sec. 18.** RCW 43.63A.340 and 1993 c 280 s 71 are each amended to read as follows:

(1) Wherever the term state fire marshal appears in the Revised Code of Washington or the Washington Administrative Code it shall mean the director of fire protection.

(2) The ~~((director of community, trade, and economic development))~~ chief of the Washington state patrol shall appoint an ~~((assistant director))~~ officer who shall be known as the director of fire protection. The board, after consulting with the ~~((director))~~ chief of the Washington state patrol, shall prescribe qualifications for the position of director of fire protection. The board shall submit to the ~~((director))~~ chief of the Washington state patrol a list containing the names of three persons whom the board believes meet its qualifications. If requested by the ~~((director))~~ chief of the Washington state patrol, the board shall submit one additional list of three persons whom the board believes meet its qualifications. The appointment shall be from one of the lists of persons submitted by the board.

(3) The director of fire protection may designate one or more deputies and may delegate to those deputies his or her duties and authorities as deemed appropriate.

(4) The ~~((director of community, trade, and economic development, through the))~~ director of fire protection, in accordance with the policies, objectives, and priorities of the fire protection policy board, shall ~~((, after consultation with the board,))~~ prepare a biennial budget pertaining to fire protection services. Such biennial budget shall be submitted as part of the ~~((department's))~~ Washington state patrol's budget request.

(5) The ~~((director of community, trade, and economic development, through the))~~ director of fire protection, shall implement and administer, within ~~((the))~~ constraints established by budgeted resources, the policies, objectives, and priorities of the board and all duties of the ~~((director of community, trade, and economic development which))~~ chief of the Washington state patrol that are to be carried out through the director of fire protection. Such administration shall include negotiation of agreements with the state board for community and technical colleges, the higher education coordinating board, and the state colleges and universities as provided in RCW 43.63A.320. Programs covered by such agreements shall include, but not be limited to, planning curricula, developing and delivering instructional programs and materials, and using existing instructional personnel and facilities. Where appropriate, such contracts shall also include planning and conducting instructional programs at the state fire service training center.

(6) The ~~((director of community, trade, and economic development))~~ chief of the Washington state patrol, through the director of fire protection, shall seek the advice of the board in carrying out his or her duties under law.

**Sec. 19.** RCW 43.63A.350 and 1986 c 266 s 59 are each amended to read as follows:

The ((department)) Washington state patrol may accept any and all donations, grants, bequests, and ((devices)) devises, conditional or otherwise, or money, property, service, or other things of value which may be received from the United States or any agency thereof, any governmental agency, any institution, person, firm, or corporation, public and private, to be held, used, or applied for the purposes of the fire service training program established in RCW 43.63A.320 (as recodified by this act).

**Sec. 20.** RCW 43.63A.360 and 1986 c 266 s 60 are each amended to read as follows:

The ((department)) Washington state patrol may: (1) Impose and collect fees for fire service training; and (2) establish and set fee schedules for fire service training.

**Sec. 21.** RCW 43.63A.370 and 1986 c 266 s 61 are each amended to read as follows:

The fire service training account is hereby established in the state treasury. The ((department)) Washington state patrol shall deposit in the account all fees received by the ((department)) Washington state patrol for fire service training. Moneys in the account may be appropriated only for fire service training.

**Sec. 22.** RCW 43.63A.377 and 1991 c 135 s 3 are each amended to read as follows:

Money from the fire services trust fund may be expended for the following purposes:

(1) Training of fire service personnel, including both classroom and hands-on training at the state fire training center or other locations approved by the ((director)) chief of the Washington state patrol through the director of fire protection services;

(2) Maintenance and operation at the state's fire training center near North Bend. If in the future the state builds or leases other facilities as other fire training centers, a portion of these moneys may be used for the maintenance and operation at these centers;

(3) Lease or purchase of equipment for use in the provisions of training to fire service personnel;

(4) Grants or subsidies to local ((entities)) jurisdictions to allow them to perform their functions under this section;

(5) Costs of administering these programs under this section;

(6) Licensing and enforcement of state laws governing the sales of fireworks; and

(7) Development with the legal fireworks industry and funding of a state-wide public education program for fireworks safety.

**Sec. 23.** RCW 46.37.467 and 1986 c 266 s 88 are each amended to read as follows:

(1) Every automobile, truck, motorcycle, motor home, or off-road vehicle that is fueled by an alternative fuel source shall bear a reflective placard issued

by the national fire protection association indicating that the vehicle is so fueled. Violation of this subsection is a traffic infraction.

(2) As used in this section "alternative fuel source" includes propane, compressed natural gas, liquid petroleum gas, or any chemically similar gas but does not include gasoline or diesel fuel.

(3) If a placard for a specific alternative fuel source has not been issued by the national fire protection association, a placard issued by the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, shall be required. The (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, shall develop rules for the design, size, and placement of the placard which shall remain effective until a specific placard is issued by the national fire protection association.

**Sec. 24.** RCW 48.05.320 and 1986 c 266 s 66 are each amended to read as follows:

(1) Each authorized insurer shall promptly report to the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, upon forms as prescribed and furnished by him or her, each fire loss of property in this state reported to it and whether the loss is due to criminal activity or to undetermined causes.

(2) Each such insurer shall likewise report to the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, upon claims paid by it for loss or damage by fire in this state. Copies of all reports required by this section shall be promptly transmitted to the state insurance commissioner.

**Sec. 25.** RCW 48.48.030 and 1986 c 266 s 67 are each amended to read as follows:

(1) The (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection or his or her authorized deputy, shall have authority at all times of day and night, in the performance of duties imposed by this chapter, to enter upon and examine any building or premises where any fire has occurred and other buildings and premises adjoining or near thereto.

(2) The (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection or his or her authorized deputy, shall have authority at any reasonable hour to enter into any public building or premises or any building or premises used for public purposes to inspect for fire hazards.

**Sec. 26.** RCW 48.48.040 and 1986 c 266 s 68 are each amended to read as follows:

(1) The (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection or his or her authorized deputy, shall have authority to enter upon all premises and into all buildings except

private dwellings for the purpose of inspection to ascertain if any fire hazard exists, and to require conformance with minimum standards for the prevention of fire and for the protection of life and property against fire and panic as to use of premises, and may adopt by reference nationally recognized standards applicable to local conditions.

(2) The ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection or his or her authorized deputy, may, upon request by the chief fire official or the local governing body or of taxpayers of such area, assist in the enforcement of any such code.

**Sec. 27.** RCW 48.48.050 and 1986 c 266 s 70 are each amended to read as follows:

(1) If the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection or his or her authorized deputy, finds in any building or premises subject to their inspection under this chapter, any combustible material or flammable conditions or fire hazards dangerous to the safety of the building, premises, or to the public, he or she shall by written order require such condition to be remedied, and such order shall forthwith be complied with by the owner or occupant of the building or premises.

(2) An owner or occupant aggrieved by any such order made by the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection or his or her deputy, may appeal such order pursuant to chapter 34.05 RCW. If the order is confirmed, the order shall remain in force and be complied with by the owner or occupant.

(3) Any owner or occupant failing to comply with any such order not appealed from or with any order so confirmed shall be punishable by a fine of not less than ten dollars nor more than fifty dollars for each day such failure exists.

**Sec. 28.** RCW 48.48.060 and 1986 c 266 s 71 are each amended to read as follows:

(1) The chief of each organized fire department, the sheriff or other designated county official, and the designated city or town official shall investigate the cause~~(s)~~ and origin, and document extent of ~~((loss))~~ damage of all fires occurring within their respective jurisdictions, as determined by this subsection, and shall forthwith notify the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, of all fires of criminal, suspected, or undetermined cause occurring within their respective jurisdictions. The county fire marshal shall also be notified of and investigate all such fires occurring in unincorporated areas of the county. Fire departments shall have the responsibility imposed by this subsection for areas within their jurisdictions. Sheriffs or other designated county officials shall have responsibility imposed by this subsection for county areas not within the jurisdiction of a fire department, unless such areas are within the boundaries of

a city or town, in which case the designated city or town official shall have the responsibility imposed by this subsection. For the purposes of this subsection, county officials shall be designated by the county legislative authority, and city or town officials shall be designated by the appropriate city or town legislative or executive authority. In addition to the responsibility imposed by this subsection, any sheriff or chief of police may assist in the investigation of the cause~~(s)~~ and origin, and document extent of ~~(loss)~~ damage of all fires occurring within his or her respective jurisdiction.

(2) The ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection or his or her deputy, may investigate any fire for the purpose of determining its cause, origin, and the extent of the loss. The ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection or his or her deputy, shall assist in the investigation of those fires of criminal, suspected, or undetermined cause when requested by the reporting agency. In the investigation of any fire of criminal, suspected, or undetermined cause, the ~~((director of community development))~~ chief of the Washington state patrol and the director of fire protection or his or her deputy, are vested with police powers to enforce the laws of this state. To exercise these powers, authorized deputies must receive prior written authorization from the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, and shall have completed a course of training prescribed by the Washington state criminal justice training commission.

Sec. 29. RCW 48.48.065 and 1986 c 266 s 72 are each amended to read as follows:

(1) The chief of each organized fire department, or the sheriff or other designated county official having jurisdiction over areas not within the jurisdiction of any fire department, shall report statistical information and data to the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, on each fire occurring within the official's jurisdiction. Reports shall be consistent with the national fire incident reporting system developed by the United States fire administration and rules established by the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection. The ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, and the department of natural resources shall jointly determine the statistical information to be reported on fires on land under the jurisdiction of the department of natural resources.

(2) The ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, shall analyze the information and data reported, compile a report, and distribute a copy annually by ~~((January 31))~~ May 1st to each chief fire official in the state. Upon request, the ~~((director of community development))~~ chief of the Washington state patrol, through the

director of fire protection, shall also furnish a copy of the report to any other interested person at cost.

(3) In carrying out the duties relating to collecting, analyzing, and reporting statistical fire data, the fire protection policy board may purchase statistical fire data from a qualified individual or organization. The information shall meet the diverse needs of state and local fire reporting agencies and shall be (a) defined in understandable terms of common usage in the fire community; (b) adaptable to the varying levels of resources available; (c) maintained in a manner that will foster both technical support and resource sharing; and (d) designed to meet both short and long-term needs.

**Sec. 30.** RCW 48.48.070 and 1986 c 266 s 73 are each amended to read as follows:

In the conduct of any investigation into the cause, origin, or loss resulting from any fire, the (~~director of community development~~) chief of the Washington state patrol and the director of fire protection shall have the same power and rights relative to securing the attendance of witnesses and the taking of testimony under oath as is conferred upon the insurance commissioner under RCW 48.03.070. False swearing by any such witness shall be deemed to be perjury and shall be subject to punishment as such.

**Sec. 31.** RCW 48.48.080 and 1986 c 266 s 74 are each amended to read as follows:

If as the result of any such investigation, or because of any information received, the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, is of the opinion that there is evidence sufficient to charge any person with any crime, he or she may cause such person to be arrested and charged with such offense, and shall furnish to the prosecuting attorney of the county in which the offense was committed, the names of witnesses and all pertinent and material evidence and testimony within his or her possession relative to the offense.

**Sec. 32.** RCW 48.48.090 and 1986 c 266 s 75 are each amended to read as follows:

The (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, shall keep on file all reports of fires made to him or her pursuant to this code. Such records shall at all times during business hours be open to public inspection; except, that any testimony taken in a fire investigation may, in the discretion of the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, be withheld from public scrutiny. The (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, may destroy any such report after five years from its date.

**Sec. 33.** RCW 48.48.110 and 1986 c 266 s 76 are each amended to read as follows:



The (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, shall submit annually a report to the governor of this state. The report shall contain a statement of his or her official acts pursuant to this chapter.

**Sec. 34.** RCW 48.48.140 and 1991 c 154 s 1 are each amended to read as follows:

(1) Smoke detection devices shall be installed inside all dwelling units:

(a) Occupied by persons other than the owner on and after December 31, 1981; or

(b) Built or manufactured in this state after December 31, 1980.

(2) The smoke detection devices shall be designed, manufactured, and installed inside dwelling units in conformance with:

(a) Nationally accepted standards; and

(b) As provided by the administrative procedure act, chapter 34.05 RCW, rules and regulations promulgated by the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection.

(3) Installation of smoke detection devices shall be the responsibility of the owner. Maintenance of smoke detection devices, including the replacement of batteries where required for the proper operation of the smoke detection device, shall be the responsibility of the tenant, who shall maintain the device as specified by the manufacturer. At the time of a vacancy, the owner shall insure that the smoke detection device is operational prior to the reoccupancy of the dwelling unit.

(4) Any owner or tenant failing to comply with this section shall be punished by a fine of not more than two hundred dollars.

(5) For the purposes of this section:

(a) "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation; and

(b) "Smoke detection device" means an assembly incorporating in one unit a device which detects visible or invisible particles of combustion, the control equipment, and the alarm-sounding device, operated from a power supply either in the unit or obtained at the point of installation.

**Sec. 35.** RCW 48.48.150 and 1986 c 266 s 90 are each amended to read as follows:

(1) All premises guarded by guard animals, which are animals professionally trained to defend and protect premises or the occupants of the premises, shall be registered with the local fire department. Front entrances to residences and all entrances to business premises shall be posted in a visible location with signs approved by the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, indicating that guard animals are present.

(2) A fire fighter, who reasonably believes that his or her safety is endangered by the presence of a guard animal, may without liability: (a) Refuse to enter the premises, or (b) take any reasonable action necessary to protect himself or herself from attack by the guard animal.

(3) If the person responsible for the guard animal being on the premises does not comply with subsection (1) of this section, that person may be held liable for any injury to the fire fighter caused by the presence of the guard animal.

**Sec. 36.** RCW 48.50.020 and 1986 c 266 s 77 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) "Authorized agency" means a public agency or its official representative having legal authority to investigate the cause of a fire and to initiate criminal proceedings or further investigations if the cause was not accidental, including the following persons and agencies:

(a) The ~~((director of community development))~~ chief of the Washington state patrol and the director of fire protection;

(b) The prosecuting attorney of the county where the fire occurred;

(c) The state attorney general, when engaged in a prosecution which is or may be connected with the fire;

(d) The Federal Bureau of Investigation, or any other federal agency; and

(e) The United States attorney's office when authorized or charged with investigation or prosecution concerning the fire.

(2) "Insurer" means any insurer, as defined in RCW 48.01.050, which insures against loss by fire, and includes insurers under the Washington F.A.I.R. plan.

(3) "Relevant information" means information having any tendency to make the existence of any fact that is of consequence to the investigation or determination of the cause of any fire more probable or less probable than it would be without the information.

**Sec. 37.** RCW 48.50.040 and 1986 c 266 s 91 are each amended to read as follows:

(1) When an insurer has reason to believe that a fire loss reported to the insurer may be of other than accidental cause, the insurer shall notify the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, in the manner prescribed under RCW 48.05.320 concerning the circumstances of the fire loss, including any and all relevant material developed from the insurer's inquiry into the fire loss.

(2) Notification of the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, under subsection (1) of this section does not relieve the insurer of the duty to respond to a request for information from any other authorized agency.

**Sec. 38.** RCW 48.53.020 and 1986 c 266 s 92 are each amended to read as follows:

(1) The ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, may designate certain classes of occupancy within a geographic area or may designate geographic areas as having an abnormally high incidence of arson. This designation shall not be a valid reason for cancellation, refusal to issue or renew, modification, or increasing the premium for any fire insurance policy.

(2) A fire insurance policy may not be issued to insure any property within a class of occupancy within a geographic area or within a geographic area designated by the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, as having an abnormally high incidence of arson until the applicant has submitted an anti-arson application and the insurer or the insurer's representative has inspected the property. The application shall be prescribed by the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, and shall contain but not be limited to the following:

(a) The name and address of the prospective insured and any mortgagees or other parties having an ownership interest in the property to be insured;

(b) The amount of insurance requested and the method of valuation used to establish the amount of insurance;

(c) The dates and selling prices of the property, if any, during the previous three years;

(d) Fire losses exceeding one thousand dollars during the previous five years for property in which the prospective insured held an equity interest or mortgage;

(e) Current corrective orders pertaining to fire, safety, health, building, or construction codes that have not been complied with within the time period or any extension of such time period authorized by the authority issuing such corrective order applicable to the property to be insured;

(f) Present or anticipated occupancy of the structure, and whether a certificate of occupancy has been issued;

(g) Signature and title, if any, of the person submitting the application.

(3) If the facts required to be reported by subsection (2) of this section materially change, the insured shall notify the insurer of any such change within fourteen days.

(4) An anti-arson application is not required for: (a) Fire insurance policies covering one to four-unit owner-occupied residential dwellings; (b) policies existing as of June 10, 1982; or (c) the renewal of these policies.

(5) An anti-arson application shall contain a notice stating: "Designation of a class of occupancy within a geographic area or geographic areas as having an abnormally high incidence of arson shall not be a valid reason for cancellation, refusal to issue or renew, modification, or increasing the premium for any fire insurance policy."

**Sec. 39.** RCW 48.53.060 and 1986 c 266 s 93 are each amended to read as follows:

Rules designating geographic areas or classes of occupancy as having an abnormally high incidence of arson, and any other rules necessary to implement this chapter shall be adopted by the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, under chapter 34.05 RCW.

**Sec. 40.** RCW 70.41.080 and 1986 c 266 s 94 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all hospitals to be licensed hereunder shall be the responsibility of the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, who shall adopt, after approval by the department, such recognized standards as may be applicable to hospitals for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the (~~state fire marshal~~) director of fire protection in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make an inspection of the hospital to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as adopted pursuant to this chapter, he or she shall promptly make a written report to the hospital and to the department listing the corrective actions required and the time allowed for accomplishing such corrections. The applicant or licensee shall notify the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, upon completion of any corrections required by him or her, and the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the hospital to be licensed meets with the approval of the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, he or she shall submit to the department a written report approving the hospital with respect to fire protection, and such report is required before a full license can be issued. The (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, shall make or cause to be made inspections of such hospitals at least once a year.

In cities which have in force a comprehensive building code, the provisions of which are determined by the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, to be equal to the minimum standards of the code for hospitals adopted by the (~~director of community development~~) chief of the Washington state patrol, through the director of fire protection, the chief of the fire department, provided the latter is

a paid chief of a paid fire department, shall make the inspection with the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued.

**Sec. 41.** RCW 70.75.020 and 1986 c 266 s 96 are each amended to read as follows:

The standardization of existing fire protection equipment in this state shall be arranged for and carried out by or under the direction of the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection. He or she shall provide the appliances necessary for carrying on this work, shall proceed with such standardization as rapidly as possible, and shall require the completion of such work within a period of five years from June 8, 1967: PROVIDED, That the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, may exempt special purpose fire equipment and existing fire protection equipment from standardization when it is established that such equipment is not essential to the coordination of public fire protection operations.

**Sec. 42.** RCW 70.75.030 and 1986 c 266 s 97 are each amended to read as follows:

The ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, shall notify industrial establishments and property owners having equipment, which may be necessary for fire department use in protecting the property or putting out fire, of any changes necessary to bring their equipment up to the requirements of the standard established by RCW 70.75.020, and shall render such assistance as may be available for converting substandard equipment to meet standard specifications and requirements.

**Sec. 43.** RCW 70.75.040 and 1986 c 266 s 98 are each amended to read as follows:

Any person who, without approval of the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, sells or offers for sale in Washington any fire hose, fire engine or other equipment for fire protection purposes which is fitted or equipped with other than the standard thread is guilty of a misdemeanor: PROVIDED, That fire equipment for special purposes, research, programs, forest fire fighting, or special features of fire protection equipment found appropriate for uniformity within a particular protection area may be specifically exempted from this requirement by order of the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection.

**Sec. 44.** RCW 70.77.170 and 1986 c 266 s 99 are each amended to read as follows:

"License" means a nontransferable formal authorization which the ~~((director of community development))~~ chief of the Washington state patrol and the

director of fire protection are permitted to issue under this chapter to engage in the act specifically designated therein.

**Sec. 45.** RCW 70.77.250 and 1986 c 266 s 100 are each amended to read as follows:

(1) The ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, shall enforce and administer this chapter.

(2) The ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, shall appoint such deputies and employees as may be necessary and required to carry out the provisions of this chapter.

(3) The ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, may prescribe such rules relating to fireworks as may be necessary for the protection of life and property and for the implementation of this chapter.

(4) The ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, shall prescribe such rules as may be necessary to ensure state-wide minimum standards for the enforcement of this chapter. Counties, cities, and towns shall comply with such state rules. Any local rules adopted by local authorities that are more restrictive than state law as to the types of fireworks that may be sold shall have an effective date no sooner than one year after their adoption.

(5) The ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, may exercise the necessary police powers to enforce the criminal provisions of this chapter. This grant of police powers does not prevent any other state agency or local government agency having general law enforcement powers from enforcing this chapter within the jurisdiction of the agency or local government.

**Sec. 46.** RCW 70.77.305 and 1986 c 266 s 101 are each amended to read as follows:

The ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, has the power to issue licenses for the manufacture, importation, sale, and use of all fireworks in this state. A person may be licensed as a manufacturer, importer, or wholesaler under this chapter only if the person has a designated agent in this state who is registered with the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection.

**Sec. 47.** RCW 70.77.315 and 1986 c 266 s 102 are each amended to read as follows:

Any person who desires to engage in the manufacture, importation, sale, or use of fireworks shall make a written application to the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire

protection, on forms provided by him or her. Such application shall be accompanied by the annual license fee as prescribed in this chapter.

**Sec. 48.** RCW 70.77.330 and 1986 c 266 s 104 are each amended to read as follows:

If the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, finds that the granting of such license would not be contrary to public safety or welfare, he or she shall issue a license authorizing the applicant to engage in the particular act or acts upon the payment of the license fee specified in this chapter. Licensees may transport the class of fireworks for which they hold a valid license.

**Sec. 49.** RCW 70.77.360 and 1986 c 266 s 106 are each amended to read as follows:

If the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, finds that an application for any license under this chapter contains a material misrepresentation or that the granting of any license would be contrary to the public safety or welfare, the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, may deny the application for the license.

**Sec. 50.** RCW 70.77.365 and 1986 c 266 s 107 are each amended to read as follows:

A written report by the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, or a local fire official, or any of their authorized representatives, disclosing that the applicant for a license, or the premises for which a license is to apply, do not meet the qualifications or conditions for a license constitutes grounds for the denial by the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, of any application for a license.

**Sec. 51.** RCW 70.77.375 and 1986 c 266 s 108 are each amended to read as follows:

The ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, upon reasonable opportunity to be heard, shall revoke any license issued pursuant to this chapter, if he or she finds that:

- (1) The licensee has violated any provisions of this chapter or any rule or regulations made by the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, under and with the authority of this chapter;
- (2) The licensee has created or caused a fire nuisance;
- (3) Any licensee has failed or refused to file any required reports; or
- (4) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, in refusing originally to issue such license.

**Sec. 52.** RCW 70.77.415 and 1986 c 266 s 109 are each amended to read as follows:

Every public display of fireworks shall be handled or supervised by a pyrotechnic operator licensed by the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, under RCW 70.77.255.

**Sec. 53.** RCW 70.77.430 and 1986 c 266 s 110 are each amended to read as follows:

Notwithstanding RCW 70.77.255, following the revocation or expiration of a license, a licensee in lawful possession of a lawfully acquired stock of fireworks may sell such fireworks, but only under supervision of the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection. Any sale under this section shall be solely to persons who are authorized to buy, possess, sell, or use such fireworks.

**Sec. 54.** RCW 70.77.455 and 1986 c 266 s 114 are each amended to read as follows:

All licensees shall maintain and make available to the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, full and complete records showing all production, imports, exports, purchases, sales, and consumption of fireworks items by kind and class.

**Sec. 55.** RCW 70.77.460 and 1986 c 266 s 115 are each amended to read as follows:

When reports on fireworks transactions or the payments of license fees or penalties are required to be made on or by specified dates, they shall be deemed to have been made at the time they are filed with or paid to the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, or, if sent by mail, on the date shown by the United States postmark on the envelope containing the report or payment.

**Sec. 56.** RCW 70.77.465 and 1986 c 266 s 116 are each amended to read as follows:

In addition to any other reports required under this chapter, the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, may, by rule or otherwise, require additional, other, or supplemental reports from licensees and other persons and prescribe the form, including verification, of the information to be given when filing such additional, other or supplemental reports.

**Sec. 57.** RCW 70.77.575 and 1986 c 266 s 117 are each amended to read as follows:

(1) The ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, shall adopt by rule a list of the fireworks that may be sold to the public in this state pursuant to this chapter.



The ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, shall file the list by October 1st of each year with the code reviser for publication, unless the previously published list has remained current.

(2) The ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, shall provide the list adopted under subsection (1) of this section by November 1st of each year to all manufacturers, wholesalers, and importers licensed under this chapter, unless the previously distributed list has remained current.

**Sec. 58.** RCW 70.77.580 and 1986 c 266 s 118 are each amended to read as follows:

Retailers required to be licensed under this chapter shall post prominently at each retail outlet a list of the fireworks that may be sold to the public in this state pursuant to this chapter. The posted list shall be in a form approved by the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection. The ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, shall make available the list.

**Sec. 59.** RCW 70.108.040 and 1986 c 266 s 120 are each amended to read as follows:

Application for an outdoor music festival permit shall be in writing and filed with the clerk of the issuing authority wherein the festival is to be held. Said application shall be filed not less than ninety days prior to the first scheduled day of the festival and shall be accompanied with a permit fee in the amount of two thousand five hundred dollars. Said application shall include:

(1) The name of the person or other legal entity on behalf of whom said application is made: PROVIDED, That a natural person applying for such permit shall be eighteen years of age or older;

(2) A financial statement of the applicant;

(3) The nature of the business organization of the applicant;

(4) Names and addresses of all individuals or other entities having a ten percent or more proprietary interest in the festival;

(5) The principal place of business of applicant;

(6) A legal description of the land to be occupied, the name and address of the owner thereof, together with a document showing the consent of said owner to the issuance of a permit, if the land be owned by a person other than the applicant;

(7) The scheduled performances and program;

(8) Written confirmation from the local health officer that he or she has reviewed and approved plans for site and development in accordance with rules, regulations and standards adopted by the state board of health. Such rules and regulations shall include criteria as to the following and such other matters as the state board of health deems necessary to protect the public's health:

- (a) Submission of plans
- (b) Site
- (c) Water supply
- (d) Sewage disposal
- (e) Food preparation facilities
- (f) Toilet facilities
- (g) Solid waste
- (h) Insect and rodent control
- (i) Shelter
- (j) Dust control
- (k) Lighting
- (l) Emergency medical facilities
- (m) Emergency air evacuation
- (n) Attendant physicians
- (o) Communication systems

(9) A written confirmation from the appropriate law enforcement agency from the area where the outdoor music festival is to take place, showing that traffic control and crowd protection policing have been contracted for or otherwise provided by the applicant meeting the following conditions:

(a) One person for each two hundred persons reasonably expected to be in attendance at any time during the event for purposes of traffic and crowd control.

(b) The names and addresses of all traffic and crowd control personnel shall be provided to the appropriate law enforcement authority: PROVIDED, That not less than twenty percent of the traffic and crowd control personnel shall be commissioned police officers or deputy sheriffs: PROVIDED FURTHER, That on and after February 25, 1972 any commissioned police officer or deputy sheriff who is employed and compensated by the promoter of an outdoor music festival shall not be eligible and shall not receive any benefits whatsoever from any public pension or disability plan of which he or she is a member for the time he is so employed or for any injuries received during the course of such employment.

(c) During the hours that the festival site shall be open to the public there shall be at least one regularly commissioned police officer employed by the jurisdiction wherein the festival site is located for every one thousand persons in attendance and said officer shall be on duty within the confines of the actual outdoor music festival site.

(d) All law enforcement personnel shall be charged with enforcing the provisions of this chapter and all existing statutes, ordinances and regulations.

(10) A written confirmation from the appropriate law enforcement authority that sufficient access roads are available for ingress and egress to the parking areas of the outdoor music festival site and that parking areas are available on the actual site of the festival or immediately adjacent thereto which are capable of accommodating one auto for every four persons in estimated attendance at the outdoor music festival site.

(11) A written confirmation from the department of natural resources, where applicable, and the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, that all fire prevention requirements have been complied with.

(12) A written statement of the applicant that all state and local law enforcement officers, fire control officers and other necessary governmental personnel shall have free access to the site of the outdoor music festival.

(13) A statement that the applicant will abide by the provisions of this chapter.

(14) The verification of the applicant warranting the truth of the matters set forth in the application to the best of the applicant's knowledge, under the penalty of perjury.

**Sec. 60.** RCW 70.160.060 and 1986 c 266 s 121 are each amended to read as follows:

This chapter is not intended to regulate smoking in a private enclosed workplace, within a public place, even though such workplace may be visited by nonsmokers, excepting places in which smoking is prohibited by the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, or by other law, ordinance, or regulation.

**Sec. 61.** RCW 71.12.485 and 1989 1st ex.s. c 9 s 228 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all establishments to be licensed hereunder, shall be the responsibility of the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, who shall adopt such recognized standards as may be applicable to such establishments for the protection of life against the cause and spread of fire and fire hazards. The department of health, upon receipt of an application for a license, or renewal of a license, shall submit to the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, or his or her deputy shall make an inspection of the establishment to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, he or she shall promptly make a written report to the establishment and the department of health as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department of health, applicant or licensee shall notify the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, upon completion of any

requirements made by him or her, and the ~~((state fire marshal))~~ director of fire protection or his or her deputy shall make a reinspection of such premises. Whenever the establishment to be licensed meets with the approval of the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, he or she shall submit to the department of health a written report approving same with respect to fire protection before a full license can be issued. The ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, shall make or cause to be made inspections of such establishments at least annually. The department of health shall not license or continue the license of any establishment unless and until it shall be approved by the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, as herein provided.

In cities which have in force a comprehensive building code, the provisions of which are determined by the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, to be equal to the minimum standards of the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, for such establishments, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, or his or her deputy, and they shall jointly approve the premises before a full license can be issued.

Sec. 62. RCW 74.15.050 and 1986 c 266 s 123 are each amended to read as follows:

The ~~((director of community development))~~ chief of the Washington state patrol, through the director of fire protection, shall have the power and it shall be his or her duty:

(1) In consultation with the children's services advisory committee and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt recognized minimum standard requirements pertaining to each category of agency established pursuant to chapter 74.15 RCW and RCW 74.13.031, except foster-family homes and child-placing agencies, necessary to protect all persons residing therein from fire hazards;

(2) To make or cause to be made such inspections and investigations of agencies, other than foster-family homes or child-placing agencies, as he or she deems necessary;

(3) To make a periodic review of requirements under RCW 74.15.030~~((6))~~ (7) and to adopt necessary changes after consultation as required in subsection (1) of this section;

(4) To issue to applicants for licenses hereunder, other than foster-family homes or child-placing agencies, who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department of social

and health services before a license shall be issued, except that a provisional license may be issued as provided in RCW 74.15.120.

**Sec. 63.** RCW 74.15.080 and 1989 1st ex.s. c 9 s 266 are each amended to read as follows:

All agencies subject to chapter 74.15 RCW and RCW 74.13.031 shall accord the department of social and health services, the secretary of health, the (~~director of community development~~) chief of the Washington state patrol, and the director of fire protection, or their designees, the right of entrance and the privilege of access to and inspection of records for the purpose of determining whether or not there is compliance with the provisions of chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted thereunder.

**NEW SECTION.** **Sec. 64.** A new section is added to chapter 43.10 RCW to read as follows:

(1) The legislature finds that provisions for information systems relating to statistics and reporting for fire prevention, suppression, and damage control do not adequately address the needs of ongoing investigations of fire incidents where the cause is suspected or determined to be the result of negligence or otherwise suggestive of some criminal activity, particularly that of arson. It is the intent of the legislature to establish an information and reporting system designed specifically to assist state and local officers in conducting such investigations and, where substantiated, to undertake prosecution of individuals suspected of such activities.

(2)(a) In addition to the information provided by local officials about the cause, origin, and extent of loss in fires under chapter 48.48 RCW, there is hereby created the state arson investigation information system in the Washington state patrol.

(b) The chief of the Washington state patrol shall develop the arson investigation information system in consultation with representatives of the various state and local officials charged with investigating fires resulting from suspicious or criminal activities under chapter 48.48 RCW and of the insurance industry.

(c) The arson investigation information system shall be designed to include at least the following attributes: (i) The information gathered and reported shall meet the diverse needs of state and local investigating agencies; (ii) the forms and reports are drafted in understandable terms of common usage; and (iii) the results shall be adaptable to the varying levels of available resources, maintained in a manner to foster data sharing and mutual aid activities, and made available to other law enforcement agencies responsible for criminal investigations.

(d) All insurers required to report claim information under the provisions of chapter 48.50 RCW shall cooperate fully with any requests from the chief of the Washington state patrol in developing and maintaining the arson investigation information system. The confidentiality provisions of that chapter shall be fully enforced.

**Sec. 65.** RCW 52.12.031 and 1986 c 311 s 1 are each amended to read as follows:

Any fire protection district organized under this title may:

(1) Lease, acquire, own, maintain, operate, and provide fire and emergency medical apparatus and all other necessary or proper facilities, machinery, and equipment for the prevention and suppression of fires, the providing of emergency medical services and the protection of life and property;

(2) Lease, acquire, own, maintain, and operate real property, improvements, and fixtures for housing, repairing, and maintaining the apparatus, facilities, machinery, and equipment described in subsection (1) of this section;

(3) Contract with any governmental entity under chapter 39.34 RCW or private person or entity to consolidate, provide, or cooperate for fire prevention protection, fire suppression, investigation, and emergency medical purposes. In so contracting, the district or governmental entity is deemed for all purposes to be acting within its governmental capacity. This contracting authority includes the furnishing of fire prevention, fire suppression, investigation, emergency medical services, facilities, and equipment to or by the district, governmental entity, or private person or entity;

(4) Encourage uniformity and coordination of fire protection district operations. The fire commissioners of fire protection districts may form an association to secure information of value in suppressing and preventing fires and other district purposes, to hold and attend meetings, and to promote more economical and efficient operation of the associated fire protection districts. The commissioners of fire protection districts in the association shall adopt articles of association or articles of incorporation for a nonprofit corporation, select a chairman, secretary, and other officers as they may determine, and may employ and discharge agents and employees as the officers deem convenient to carry out the purposes of the association. The expenses of the association may be paid from funds paid into the association by fire protection districts: **PROVIDED**, That the aggregate contributions made to the association by a district in a calendar year shall not exceed two and one-half cents per thousand dollars of assessed valuation;

(5) Enter into contracts to provide group life insurance for the benefit of the personnel of the fire districts;

(6) Perform building and property inspections that the district deems necessary to provide fire prevention services and pre-fire planning within the district and any area that the district serves by contract in accordance with RCW 19.27.110: **PROVIDED**, That codes used by the district for building and property inspections shall be limited to the applicable codes adopted by the state, county, city, or town that has jurisdiction over the area in which the property is located. A copy of inspection reports prepared by the district shall be furnished by the district to the appropriate state, county, city, or town that has jurisdiction over the area in which the property is located: **PROVIDED**, That nothing in this subsection shall be construed to grant code enforcement authority to a district.

This subsection shall not be construed as imposing liability on any governmental jurisdiction;

(7) Determine the origin and cause of fires occurring within the district and any area the district serves by contract. In exercising the authority conferred by this subsection, the fire protection district and its authorized representatives shall comply with the provisions of RCW 48.48.060;

(8) Perform acts consistent with this title and not otherwise prohibited by law.

**NEW SECTION.** Sec. 66. The association of fire commissioners that is authorized to be formed under RCW 52.12.031(4), the association of Washington cities, and the Washington state association of counties shall submit a report on achieving greater efficiency in the delivery of fire protection services to the government operations committees of the senate and the house of representatives on or before December 31, 1995.

**NEW SECTION.** Sec. 67. The state fire protection policy board shall conduct a study on the overlapping and confusing jurisdiction and responsibilities of local governments concerning fire investigation. The board shall make recommendations to the government operations committees of the senate and the house of representatives on or before December 31, 1995.

**NEW SECTION.** Sec. 68. The state fire protection policy board, with the cooperation and assistance of the department of natural resources and the association of fire commissioners shall submit a report on the feasibility of providing fire protection for lands that are not federally protected, not protected by the department of natural resources, and not within the boundaries of a fire protection district to the government operations committees of the senate and the house of representatives on or before December 31, 1995.

**NEW SECTION.** Sec. 69. The following sections are each recodified as new sections in chapter 43.43 RCW:

RCW 43.63A.300

RCW 43.63A.310

RCW 43.63A.320

RCW 43.63A.330

RCW 43.63A.340

RCW 43.63A.350

RCW 43.63A.360

RCW 43.63A.370

RCW 43.63A.375

RCW 43.63A.377

RCW 43.63A.380.

**NEW SECTION.** Sec. 70. This act does not apply to forest fire service personnel and programs.

NEW SECTION. Sec. 71. RCW 48.48.120 and 1947 c 79 s .33.12 are each repealed.

NEW SECTION. Sec. 72. 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, 1995.

Passed the Senate March 8, 1995.

Passed the House April 5, 1995.

Approved by the Governor May 16, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 16, 1995.

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

"I am returning herewith, without my approval as to sections 11 and 12, Engrossed Substitute Senate Bill No. 5093 entitled:

"AN ACT Relating to fire protection;"

Section 11 of Engrossed Substitute Senate Bill No. 5093 establishes the Chief of the State Patrol as responsible for declaring fire mobilizations under the Washington Fire Mobilization Plan (plan). As stated in the plan, this action is the responsibility of the state emergency management program.

Because the emergency management program has responsibility for compensating local jurisdictions under the plan and because the existing policy regarding the mobilization decision was developed after extensive discussion with representatives of affected fire and emergency management organizations, I believe that the state emergency management program should maintain control of the decision to mobilize fire resources. I expect that the emergency management program and the fire services program will continue to work together, following a mobilization decision, to ensure that resources are used in an effective and coordinated manner. Section 12 references the Chief of the State Patrol exercising mobilization authority and is, therefore, properly vetoed as a result of my action on section 11.

For these reasons, I have vetoed sections 11 and 12 of Engrossed Substitute Senate Bill No. 5093.

With the exception of sections 11 and 12, Engrossed Substitute Senate Bill No. 5093 is approved."

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**CHAPTER 370**

[Substitute Senate Bill 5106]

**GRIZZLY BEAR MANAGEMENT**

AN ACT Relating to grizzly bear management; and adding a new section to chapter 77.12 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 77.12 RCW to read as follows:

The department shall protect grizzly bears and develop management programs on publicly owned lands that will encourage the natural regeneration of grizzly bears in areas with suitable habitat. Grizzly bears shall not be transplanted or introduced into the state. Only grizzly bears that are native to Washington state may be utilized by the department for management programs. The department is directed to fully participate in all discussions and negotiations



with federal and state agencies relating to grizzly bear management and shall fully communicate, support, and implement the policies of this section.

Passed the Senate March 15, 1995.

Passed the House April 10, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 371

[Engrossed Substitute Senate Bill 5121]

### AGRICULTURAL SAFETY STANDARDS

AN ACT Relating to agricultural safety standards; adding new sections to chapter 49.17 RCW; and creating new sections.

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

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

(1) The state's highly productive and efficient agricultural sector is composed predominately of family-owned and managed farms and an industrious and efficient work force;

(2) A reasonable level of safety regulations is needed to protect workers;

(3) The smaller but highly efficient farming operations would benefit from safety rules that are easily referenced and agriculture-specific to the extent possible; and

(4) There should be lead time between the adoption of agriculture safety rules and their effective date in order to allow the department of labor and industries to provide training, education, and enhanced consultation services to family-owned and managed farms.

**NEW SECTION.** Sec. 2. A new section is added to chapter 49.17 RCW to read as follows:

(1)(a) Except as provided in (b) of this subsection, no rules adopted under this chapter amending or establishing agricultural safety standards shall take effect during the period beginning January 1, 1995, and ending January 15, 1996. This subsection applies, but is not limited to applying, to a rule adopted before January 1, 1995, but with an effective date which is during the period beginning January 1, 1995, and ending January 15, 1996, and to provisions of rules adopted prior to January 1, 1995, which provisions are to become effective during the period beginning January 1, 1995, and ending January 15, 1996.

(b) Subsection (1)(a) of this section does not apply to: Provisions of rules that were in effect before January 1, 1995; emergency rules adopted under RCW 34.05.350; or revisions to chapter 296-306 WAC regarding rollover protective structures that were adopted in 1994 and effective March 1, 1995, and that are additionally revised to refer to the variance process available under this chapter.

(2) The rules for agricultural safety adopted under this chapter must:

(a) Establish, for agricultural employers, an agriculture safety standard that includes agriculture-specific rules and specific references to the general industry safety standard adopted under chapter 49.17 RCW; and

(b) Exempt agricultural employers from the general industry safety standard adopted under chapter 49.17 RCW for all rules not specifically referenced in the agriculture safety standard.

(3) The department shall publish in one volume all of the occupational safety rules that apply to agricultural employers and shall make this volume available to all agricultural employers before January 15, 1996. This volume must be available in both English and Spanish.

(4) The department shall provide training, education, and enhanced consultation services concerning its agricultural safety rules to agricultural employers before the rules' effective dates. The training, education, and consultation must continue throughout the winter of 1995-1996. Training and education programs must be provided throughout the state and must be coordinated with agricultural associations in order to meet their members' needs.

(5) The department shall provide, for informational purposes, a list of commercially available rollover protective structures for tractors used in agricultural operations manufactured before October 25, 1976. The list must include the name and address of the manufacturer and the approximate price of the structure. Included with the list shall be a statement indicating that an employer may apply for a variance from the rules requiring rollover protective structures under this chapter and that variances may be granted in appropriate circumstances on a case-by-case basis. The statement shall also provide examples of circumstances under which a variance may be granted. The list and statement shall be generally available to the agricultural community before the department may take any action to enforce rules requiring rollover protective structures for tractors used in agricultural operations manufactured before October 25, 1976.

**\*NEW SECTION.** *Sec. 3. A new section is added to chapter 49.17 RCW to read as follows:*

*Other than rules published under section 2(3) of this act, the director may adopt, in accordance with chapter 34.05 RCW, rules concerning agriculture safety, other than emergency rules, only:*

*(1) As specifically required by federal law, and only to the extent specifically required; or*

*(2) As specifically authorized by statute enacted after the effective date of this section.*

*\*Sec. 3 was vetoed. See message at end of chapter.*

**NEW SECTION.** *Sec. 4. Section 2(1) of this act is remedial in nature and applies to rules and provisions of rules regarding agricultural safety that would take effect after December 31, 1994.*

Passed the Senate April 21, 1995.

Passed the House April 20, 1995.

Approved by the Governor May 16, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 16, 1995.

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

"I am returning herewith, without my approval as to section 3, Engrossed Substitute Senate Bill No. 5121 entitled:

"AN ACT Relating to agricultural safety standards;"

Engrossed Substitute Senate Bill No. 5121 is very good legislation which makes a number of changes related to agricultural safety standards. It provides equal treatment for farm workers in the area of workplace safety standards and provides technical assistance for agricultural employers.

However, section 3 of this bill prohibits the adoption of additional safety rules by the Department of Labor and Industries (L&I) unless those rules are mandated by federal law, or are specifically authorized by the legislature. I believe this section represents an unwise change in policy and creates a situation where agricultural workers do not receive protections equal to those of other workers. The federal Occupational Safety and Health Act of 1970 (OSHA) establishes minimum safety standards that states must meet or exceed for all workers. Section 3 would establish OSHA rules not as a minimum standard, as is the case for other workers, but as a maximum standard for farm worker safety.

Farm workers are an integral part of the state's labor force. They are entitled to the same respect and safe working conditions enjoyed by all other workers. By restricting rule making activities, section 3 undermines the worker protective policy embodied in the Washington Industrial Safety and Health Act. In addition, it would unnecessarily inhibit L&I from taking action to simplify rules, improve current practices, lessen regulatory burdens, respond to changes in agricultural technology or techniques, and respond to issues brought forth by industry.

For these reasons, I am vetoing section 3 of Engrossed Substitute Senate Bill No. 5121.

With the exception of section 3, Engrossed Substitute Senate Bill No. 5121 is approved."

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## CHAPTER 372

[Second Substitute Senate Bill 5157]

### CHINOOK AND COHO SALMON—EXTERNAL MARKING OF HATCHERY-PRODUCED FISH

AN ACT Relating to conspicuous external marking of hatchery produced chinook salmon and coho salmon; amending RCW 82.27.010; adding new sections to Title 75 RCW; and creating a new section.

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

**NEW SECTION.** Sec. 1. The legislature declares that the state has a vital interest in the continuation of recreational fisheries for chinook salmon and coho salmon in mixed stock areas, and that the harvest of hatchery origin salmon should be encouraged while wild salmon should be afforded additional protection when required. A program of selective harvest shall be developed utilizing hatchery salmon that are externally marked in a conspicuous manner, regulations that promote the unharmed release of unmarked fish, when and where appropri-

ate, and a public information program that educates the public about the need to protect depressed stocks of wild salmon.

The legislature further declares that the establishment of other incentives for commercial fishing and fish processing in Washington will complement the program of selective harvest in mixed stock fisheries anticipated by this legislation.

**NEW SECTION. Sec. 2.** The department shall mark appropriate coho salmon that are released from department operated hatcheries and rearing ponds in such a manner that the fish are externally recognizable as hatchery origin salmon by fishers for the purpose of maximized catch while sustaining wild and hatchery reproduction.

The department shall mark all appropriate chinook salmon targeted for contribution to the Washington catch that are released from department operated hatcheries and rearing ponds in such a manner that the fish are externally recognizable as hatchery origin salmon by fishers.

The goal of the marking program is the annual marking by June 30, 1997, of all appropriate hatchery origin chinook and coho salmon produced by the department with marking to begin with the 1994 Puget Sound coho brood. The department may experiment with different methods for marking hatchery salmon with the primary objective of maximum survival of hatchery marked fish, maximum contribution to fisheries, and minimum cost consistent with the other goals.

The department shall coordinate with other entities that are producing hatchery chinook and coho salmon for release into public waters to enable the broadest application of the marking program to all hatchery produced chinook and coho salmon. The ultimate goal of the program is the coast-wide marking of appropriate hatchery origin chinook and coho salmon, and the protection of all wild chinook and coho salmon, where appropriate.

**NEW SECTION. Sec. 3.** The department shall adopt rules to control the mixed stock chinook and coho fisheries of the state so as to sustain healthy stocks of wild salmon, allow the maximum survival of wild salmon, allow for spatially separated fisheries that target on hatchery stocks, foster the best techniques for releasing wild chinook and coho salmon, and contribute to the economic viability of the fishing businesses of the state.

**Sec. 4.** RCW 82.27.010 and 1985 c 413 s 1 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) "Enhanced food fish" includes all species of food fish, except all species of tuna, mackerel, and jack; shellfish(±); and anadromous game fish, including byproducts and parts thereof, originating within the territorial and adjacent waters of Washington and salmon originating from within the territorial and adjacent waters of Oregon, Washington, and British Columbia, and all troll-caught

Chinook salmon originating from within the territorial and adjacent waters of southeast Alaska. As used in this subsection, "adjacent" waters of Oregon, Washington, and Alaska are those comprising the United States fish conservation zone; "adjacent" waters of British Columbia are those comprising the Canadian two hundred mile exclusive economic zone; and "southeast Alaska" means that portion of Alaska south and east of Cape Suckling to the Canadian border. For purposes of this chapter, point of origination is established by a document which identifies the product and state or province in which it originates, including, but not limited to fish tickets, bills of lading, invoices, or other documentation required to be kept by governmental agencies.

(2) "Commercial" means related to or connected with buying, selling, bartering, or processing.

(3) "Possession" means the control of enhanced food fish by the owner and includes both actual and constructive possession. Constructive possession occurs when the person has legal ownership but not actual possession of the enhanced food fish.

(4) "Anadromous game fish" means steelhead trout and anadromous cutthroat trout and Dolly Varden char and includes byproducts and also parts of anadromous game fish, whether fresh, frozen, canned, or otherwise.

(5) "Landed" means the act of physically placing enhanced food fish (a) on a tender in the territorial waters of Washington; or (b) on any land within or without the state of Washington including wharves, piers, or any such extensions therefrom.

**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, 1995, in the omnibus appropriations act, this act shall be null and void.

**NEW SECTION.** Sec. 6. Sections 1 through 3 of this act are each added to Title 75 RCW.

Passed the Senate April 21, 1995.

Passed the House April 20, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995

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## CHAPTER 373

[Engrossed Substitute Senate Bill 5190]

### TATTOOING OF MINORS

AN ACT Relating to tattooing of minors; adding a new section to chapter 26.28 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 26.28 RCW to read as follows:

Every person who applies a tattoo to any minor under the age of eighteen is guilty of a misdemeanor. It is not a defense to a violation of this section that the person applying the tattoo did not know the minor's age unless the person applying the tattoo establishes by a preponderance of the evidence that he or she made a reasonable, bona fide attempt to ascertain the true age of the minor by requiring production of a driver's license or other picture identification card or paper and did not rely solely on the oral allegations or apparent age of the minor.

For the purposes of this section, "tattoo" includes any permanent marking or coloring of the skin with any pigment, ink, or dye, or any procedure that leaves a visible scar on the skin. Medical procedures performed by a licensed physician are exempted from this section.

Passed the Senate April 17, 1995.

Passed the House April 5, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 374

[Substitute Senate Bill 5315]

### REGULATION OF AGRICULTURE AND AGRICULTURAL MARKETING—REVISIONS

AN ACT Relating to agriculture and marketing; amending RCW 15.36.012, 15.36.071, 15.36.171, 15.36.221, 15.36.411, 15.36.441, 69.07.100, 69.07.085, 69.25.020, 69.25.050, 69.25.150, 69.25.170, 69.25.250, 69.25.310, 69.25.320, 15.53.901, 15.53.9012, 15.53.9014, 15.53.9016, 15.53.9018, 15.53.902, 15.53.9022, 15.53.9024, 15.53.9038, 15.53.9042, 15.53.9053, 16.57.220, 16.57.230, 16.57.240, 16.57.280, 16.57.290, 16.65.030, 15.44.033, 43.88.240, 15.58.070, 16.24.130, 16.24.150, 15.76.140, and 17.10.240; reenacting and amending RCW 69.07.040 and 16.57.220; reenacting RCW 15.36.431; adding a new section to chapter 69.04 RCW; adding a new section to chapter 15.53 RCW; adding new sections to chapter 16.65 RCW; adding new sections to chapter 43.23 RCW; adding a new section to chapter 15.58 RCW; adding a new section to chapter 17.10 RCW; adding a new chapter to Title 69 RCW; creating new sections; decodifying RCW 15.53.905 and 15.53.9052; repealing RCW 69.08.010, 69.08.020, 69.08.030, 69.08.040, 69.08.045, 69.08.050, 69.08.060, 69.08.070, 69.08.080, 69.08.090, 69.25.330, 69.25.340, 15.53.9036, and 15.58.410; repealing 1994 c 46 s 21; prescribing penalties; making appropriations; providing effective dates; providing an expiration date; and declaring an emergency.

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

**Sec. 1.** RCW 15.36.012 and 1994 c 143 s 102 are each amended to read as follows:

For the purpose of this chapter:

"Adulterated milk" means milk that is deemed adulterated under appendix L of the PMO.

"Aseptic processing" means the process by which milk or milk products have been subjected to sufficient heat processing and packaged in a hermetically sealed container so as to meet the standards of the PMO.

"Colostrum milk" means milk produced within ten days before or until practically colostrum free after parturition.

"DMO" means supplement I, the recommended sanitation ordinance for grade A condensed and dry milk products and condensed and dry whey, to the

PMO published by the United States public health service, food and drug administration.

"Dairy farm" means a place or premises where one or more cows, goats, or other mammals are kept, a part or all of the milk or milk products from which is sold or offered for sale to a milk processing plant, transfer station, or receiving station.

"Dairy technician" means any person who takes samples of milk or cream or fluid derivatives thereof, on which sample tests are to be made as a basis of payment, or who grades, weighs, or measures milk or cream or the fluid derivatives thereof, the grade, weight, or measure to be used as a basis of payment, or who operates equipment wherein milk or products thereof are pasteurized.

"Department" means the state department of agriculture.

"Director" means the director of agriculture of the state of Washington or the director's duly authorized representative.

"Distributor" means a person other than a producer who offers for sale or sells to another, milk or milk products.

"Grade A milk processing plant" means any milk processing plant that meets all of the standards of the PMO to process grade A pasteurized milk or milk products.

"Grade A pasteurized milk" means grade A raw milk that has been pasteurized.

"Grade A raw milk" means raw milk produced upon dairy farms conforming with all of the items of sanitation contained in the PMO, in which the bacterial plate count does not exceed twenty thousand per milliliter and the coliform count does not exceed ten per milliliter as determined in accordance with RCW (~~(+5.36.110)~~) 15.36.201.

"Grade A raw milk for pasteurization" means raw milk produced upon dairy farms conforming with all of the same items of sanitation contained in the PMO of grade A raw milk, and the bacterial plate count, as delivered from the farm, does not exceed eighty thousand per milliliter as determined in accordance with RCW (~~(+5.36.110)~~) 15.36.201.

"Grade C milk" is milk that violates any of the requirements for grade A milk but that is not deemed to be adulterated.

"Homogenized" means milk or milk products which have been treated to ensure breakup of the fat globules to an extent consistent with the requirements outlined in the PMO.

"Milk" means the lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy cows, goats, or other mammals.

"Milk hauler" means a person who transports milk or milk products in bulk to or from a milk processing plant, receiving station, or transfer station.

"Milk processing" means the handling, preparing, packaging, or processing of milk in any manner in preparation for sale as food, as defined in chapter

69.04 RCW. Milk processing does not include milking or producing milk on a dairy farm that is shipped to a milk processing plant for further processing.

"Milk processing plant" means a place, premises, or establishment where milk or milk products are collected, handled, processed, stored, bottled, pasteurized, aseptically processed, bottled, or prepared for distribution, except an establishment (~~whose activity is limited to retail sales~~) that merely receives the processed milk products and serves them or sells them at retail.

"Milk products" means the product of a milk manufacturing process.

"Misbranded milk" means milk or milk products that carries a grade label unless such grade label has been awarded by the director and not revoked, or that fails to conform in any other respect with the statements on the label.

"Official brucellosis adult vaccinated cattle" means those cattle, officially vaccinated over the age of official calthood vaccinated cattle, that the director has determined have been commingled with, or kept in close proximity to, cattle identified as brucellosis reactors, and have been vaccinated against brucellosis in a manner and under the conditions prescribed by the director after a hearing and under rules adopted under chapter 34.05 RCW, the administrative procedure act.

"Official laboratory" means a biological, chemical, or physical laboratory that is under the direct supervision of the state or a local regulatory agency.

"Officially designated laboratory" means a commercial laboratory authorized to do official work by the department, or a milk industry laboratory officially designated by the department for the examination of grade A raw milk for pasteurization and commingled milk tank truck samples of raw milk for antibiotic residues and bacterial limits.

"PMO" means the grade "A" pasteurized milk ordinance published by the United States public health service, food and drug administration.

"Pasteurized" means the process of heating every particle of milk or milk product in properly designed and operated equipment to the temperature and time standards specified in the PMO.

"Person" means an individual, partnership, firm, corporation, company, trustee, or association.

"Producer" means a person or organization who operates a dairy farm and provides, sells, or offers milk for sale to a milk processing plant, receiving station, or transfer station.

"Receiving station" means a place, premises, or establishment where raw milk is received, collected, handled, stored, or cooled and prepared for further transporting.

"Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media.

"Transfer station" means any place, premises, or establishment where milk or milk products are transferred directly from one milk tank truck to another.

"Ultrapasteurized" means the process by which milk or milk products have been thermally processed in accordance with the time and temperature standards



of the PMO, so as to produce a product which has an extended shelf life under refrigerated conditions.

"Ungraded processing plant" means a milk processing plant that meets all of the standards of the PMO to produce milk products other than grade A milk or milk products.

"Wash station" means a place, facility, or establishment where milk tanker trucks are cleaned in accordance with the standards of the PMO.

All dairy products mentioned in this chapter mean those fit or used for human consumption.

**Sec. 2.** RCW 15.36.071 and 1994 c 143 s 205 are each amended to read as follows:

A milk hauler must obtain a milk hauler's license to conduct the operation under this chapter. A milk hauler's license is not transferable with respect to persons or locations or both. The license, issued by the director upon approval of an application for the license and compliance with the provisions of this chapter, shall contain the license number, name, residence, and place of business, if any, of the licensee. A milk hauler's license shall also contain endorsements for individual milk transport vehicles. The license plate number and registration number for each milk transport vehicle shall be listed on the endorsement.

**Sec. 3.** RCW 15.36.171 and 1994 c 143 s 301 are each amended to read as follows:

No milk or milk products shall be sold to the final consumer or to restaurants, soda fountains, grocery stores, or similar establishments except grade A pasteurized milk, or grade A raw milk. The director may revoke the license of any milk distributor (~~(failing)~~), milk processing plant, or producer whose product fails to qualify as grade A pasteurized or grade A raw, or in lieu thereof may degrade his or her product to grade C and permit its sale as other than fluid milk or grade A milk products during a period not exceeding thirty days. In the event of an emergency, the director may permit the sale of grade C milk for more than thirty days.

**Sec. 4.** RCW 15.36.221 and 1984 c 226 s 5 are each amended to read as follows:

Milk and milk products for consumption in the raw state or for pasteurization shall be cooled within two hours of completion of milking to forty degrees Fahrenheit or less and maintained at that temperature until picked up, in accordance with RCW (~~(15.36.110)~~) 15.36.201, so long as the blend temperature after the first and following milkings does not exceed fifty degrees Fahrenheit.

**Sec. 5.** RCW 15.36.411 and 1994 c 143 s 502 are each amended to read as follows:

The director may, subsequent to a hearing on the license, suspend or revoke a license issued under this chapter if the director determines that an applicant has committed any of the following acts:

(1) Refused, neglected, or failed to comply with the provisions of this chapter, the rules adopted under this chapter, or a lawful order of the director.

(2) Refused, neglected, or failed to keep and maintain records required by this chapter, or to make the records available if requested under the provisions of this chapter.

(3) Refused the department access to a portion or area of a facility regulated under this chapter, for the purpose of carrying out the provisions of this chapter.

(4) Refused the department access to records required to be kept under the provisions of this chapter.

(5) Refused, neglected, or failed to comply with the applicable provisions of chapter 69.04 RCW, Washington food, drug, and cosmetic act, or rules adopted under chapter 69.04 RCW.

The provisions of this section requiring that a hearing be conducted before an action may be taken against a license do not apply to an action taken under RCW 15.36.111, 15.36.201, or 15.36.421.

Whenever a milk transport vehicle is found in violation of this chapter or rules adopted under this chapter, the endorsement for that milk transport vehicle contained on a milk hauler's license shall be suspended or revoked. The suspension or revocation does not apply to any other milk transport vehicle operated by the milk hauler.

Sec. 6. RCW 15.36.431 and 1994 c 143 s 504 are each reenacted to read as follows:

No person shall employ a tester, sampler, weigher, grader, or pasteurizer who is not licensed as a dairy technician.

A person who violates the provisions of this section may be fined not less than two hundred fifty nor more than one thousand dollars, and his or her license issued under this chapter revoked or suspended subject to a hearing as provided under chapter 34.05 RCW.

Sec. 7. RCW 15.36.441 and 1994 c 143 s 505 are each amended to read as follows:

(1) If the results of an antibiotic, pesticide, or other drug residue test under RCW (~~15.36.110~~) 15.36.201 are above the actionable level established in the PMO and determined using procedures set forth in the PMO, a person holding a milk producer's license is subject to a civil penalty. The penalty shall be in an amount equal to one-half the value of the sum of the volumes of milk equivalent produced under the license on the day prior to and the day of the adulteration. The value of the milk shall be computed by the weighted average price for the federal market order under which the milk is delivered.

(2) The penalty is imposed by the department giving a written notice which is either personally served upon or transmitted by certified mail, return receipt requested, to the person incurring the penalty. The notice of the civil penalty shall be a final order of the department unless, within fifteen days after the notice is received, the person incurring the penalty appeals the penalty by filing

a notice of appeal with the department. If a notice of appeal is filed in a timely manner, a hearing shall be conducted on behalf of the department by the office of administrative hearings in accordance with chapters 34.05 and 34.12 RCW. At the conclusion of the hearing, the department shall determine whether the penalty should be affirmed, and, if so, shall issue a final order setting forth the civil penalty assessed, if any. The order may be appealed to superior court in accordance with chapter 34.05 RCW. Tests performed for antibiotic, pesticide, or other drug residues by an official laboratory or an officially designated laboratory of a milk sample drawn by a department official or a licensed dairy technician shall be admitted as prima facie evidence of the presence or absence of an antibiotic, pesticide, or other drug residue.

(3) Any penalty imposed under this section is due and payable upon the issuance of the final order by the department. The penalty shall be deducted by the violator's marketing organization from the violator's final payment for the month following the issuance of the final order. The department shall promptly notify the violator's marketing organization of any penalties contained in the final order.

(4) All penalties received or recovered from violations of this section shall be remitted monthly by the violator's marketing organization to the Washington state dairy products commission and deposited in a revolving fund to be used solely for the purposes of education and research. No appropriation is required for disbursements from this fund.

(5) In case of a violation of the antibiotic, pesticide, or other drug residue test requirements, an investigation shall be made to determine the cause of the residue which shall be corrected. Follow-up sampling and testing must be done in accordance with the requirements of the PMO.

**NEW SECTION. Sec. 8.** For the purpose of this chapter:

(1) "Food storage warehouse" means any premises, establishment, building, room area, facility, or place, in whole or in part, where food is stored, kept, or held for wholesale distribution to other wholesalers or to retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer. Food storage warehouses include, but are not limited to, facilities where food is kept or held refrigerated or frozen and include facilities where food is stored to the account of another firm and/or is owned by the food storage warehouse. "Food storage warehouse" does not include grain elevators or fruit and vegetable storage and packing houses that store, pack, and ship fresh fruit and vegetables even though they may use refrigerated or controlled atmosphere storage practices in their operation. However, this chapter applies to multiple food storage operations that also distribute or ripen fruits and vegetables.

(2) "Department" means the Washington department of agriculture.

(3) "Director" means the director of the Washington department of agriculture.

(4) "Food" means the same as defined in RCW 69.04.008.

(5) "Independent sanitation consultant" means an individual, partnership, cooperative, or corporation that by reason of education, certification, and experience has satisfactorily demonstrated expertise in food and dairy sanitation and is approved by the director to advise on such areas including, but not limited to: Principles of cleaning and sanitizing food processing plants and equipment; rodent, insect, bird, and other pest control; principals of hazard analysis critical control point; basic food product labeling; principles of proper food storage and protection; proper personnel work practices and attire; sanitary design, construction, and installation of food plant facilities, equipment, and utensils; and other pertinent food safety issues.

**NEW SECTION. Sec. 9.** The director or his or her representative may inspect food storage warehouses for compliance with the provisions of chapter 69.04 RCW and the rules adopted under chapter 69.04 RCW as deemed necessary by the director. Any food storage warehouse found to not be in substantial compliance with chapter 69.04 RCW and the rules adopted under chapter 69.04 RCW will be reinspected as deemed necessary by the director to determine compliance. This does not preclude the director from using any other remedies as provided under chapter 69.04 RCW to gain compliance or to embargo products as provided under RCW 69.04.110 to protect the public from adulterated foods.

**NEW SECTION. Sec. 10.** Except as provided in this section and section 11 of this act, it shall be unlawful for any person to operate a food storage warehouse in the state without first having obtained an annual license from the department, which shall expire on a date set by rule by the director. Application for a license or license renewal shall be on a form prescribed by the director and accompanied by the license fee. The license fee is fifty dollars.

For a food storage warehouse that has been inspected on at least an annual basis for compliance with the provisions of the current good manufacturing practices (Title 21 C.F.R. part 110) by a federal agency or by a state agency acting on behalf of and under contract with a federal agency and that is not exempted from licensure by section 11 of this act, the annual license fee for the warehouse is twenty-five dollars.

The application shall include the full name of the applicant for the license and the location of the food storage warehouse he or she intends to operate. If such applicant is an individual, receiver, trustee, firm, partnership, association, or corporation, the full name of each member of the firm or partnership, or names of the officers of the association or corporation must be given on the application. The application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant. Upon the approval of the application by the director and compliance with the provisions of this chapter, including the applicable regulations adopted under this chapter by the department, the applicant

shall be issued a license or renewal thereof. The director shall waive licensure under this chapter for firms that are licensed under the provisions of chapter 69.07 or 15.36 RCW.

**NEW SECTION. Sec. 11.** A food storage warehouse that is inspected for compliance with the current good manufacturing practices (Title 21 C.F.R. part 110) on at least an annual basis by an independent sanitation consultant approved by the department shall be exempted from licensure under this chapter.

A report identifying the inspector and the inspecting entity, the date of the inspection, and any violations noted on such inspection shall be forwarded to the department by the food storage warehouse within sixty days of the completion of the inspection. An inspection shall be conducted and an inspection report for a food storage warehouse shall be filed with the department at least once every twelve months or the warehouse shall be licensed under this chapter and inspected by the department for a period of two years.

**NEW SECTION. Sec. 12.** If the application for renewal of any license provided for under this chapter is not filed prior to the expiration date as established by rule by the director, an additional fee of ten percent of the cost of the license shall be assessed and added to the original fee and must be paid by the applicant before the renewal license is issued.

**NEW SECTION. Sec. 13.** The director may, subsequent to a hearing thereon, deny, suspend, or revoke any license provided for in this chapter if he or she determines that an applicant has committed any of the following acts:

(1) Refused, neglected, or failed to comply with the provisions of this chapter, the rules adopted under this chapter, or any lawful order of the director;

(2) Refused, neglected, or failed to keep and maintain records required by this chapter, or to make such records available if requested pursuant to the provisions of this chapter;

(3) Refused the department access to any portion or area of the food storage warehouse for the purpose of carrying out the provisions of this chapter;

(4) Refused the department access to any records required to be kept under the provisions of this chapter;

(5) Refused, neglected, or failed to comply with any provisions of chapter 69.04 RCW, Washington food, drug, and cosmetic act, or any rules adopted under chapter 69.04 RCW.

The provisions of this section requiring that a hearing be conducted before an action may be taken against a license do not apply to an action taken under section 14 of this act.

**NEW SECTION. Sec. 14.** (1) Whenever the director finds a food storage warehouse operating under conditions that constitute an immediate danger to public health or whenever the licensee or any employee of the licensee actively prevents the director or the director's representative, during an on-site inspection, from determining whether such a condition exists, the director may summarily suspend, pending a hearing, a license provided for in this chapter.

(2) Whenever a license is summarily suspended, the holder of the license shall be notified in writing that the license is, upon service of the notice, immediately suspended and that prompt opportunity for a hearing will be provided.

(3) Whenever a license is summarily suspended, food distribution operations shall immediately cease. However, the director may reinstate the license if the condition that caused the suspension has been abated to the director's satisfaction.

**NEW SECTION.** Sec. 15. It is unlawful to sell, offer for sale, or distribute in intrastate commerce food from or stored in a food storage warehouse that is required to be licensed under this chapter but that has not obtained a license, once notification by the director has been given to the persons selling, offering, or distributing food for sale, that the food is in or from such an unlicensed food storage warehouse.

**NEW SECTION.** Sec. 16. All moneys received by the department under provisions of this chapter, except moneys collected for civil penalties levied under this chapter, shall be paid into an account created in the agricultural local fund established in RCW 43.23.230 and shall be used solely to carry out provisions of this chapter and chapter 69.04 RCW. All moneys collected for civil penalties levied under this chapter shall be deposited in the state general fund.

**NEW SECTION.** Sec. 17. (1) Except as provided in subsection (2) of this section, the department may use all the civil remedies provided under chapter 69.04 RCW in carrying out and enforcing the provisions of this chapter.

(2) Civil penalties are intended to be used to obtain compliance and shall not be collected if a warehouse successfully completes a mutually agreed upon compliance agreement with the department. A warehouse that enters into a compliance agreement with the department shall pay only for inspections conducted by the department and any laboratory analyses as required by the inspections as outlined and agreed to in the compliance agreement. In no event shall the fee for these inspections and analyses exceed four hundred dollars per inspection or one thousand dollars in total.

**NEW SECTION.** Sec. 18. (1) The department shall enforce and carry out the provisions of this chapter and may adopt the necessary rules to carry out its purpose.

(2) The adoption of rules under the provisions of this chapter are subject to the applicable provisions of chapter 34.05 RCW, the administrative procedure act.

**NEW SECTION.** Sec. 19. The director or director's deputies, assistants, and inspectors are authorized to do all acts and things necessary to carry out the provisions of this chapter, including the taking of verified statements. The

department personnel are empowered to administer oaths of verification on the statement.

**NEW SECTION. Sec. 20.** A new section is added to chapter 69.04 RCW to read as follows:

The director need not petition the superior court as provided for in RCW 69.04.120 if the owner or claimant of such food or food products agrees in writing to the disposition of such food or food products as the director may order.

**Sec. 21.** RCW 69.07.040 and 1993 sp.s. c 19 s 11 and 1993 c 212 s 2 are each reenacted and amended to read as follows:

It shall be unlawful for any person to operate a food processing plant or process foods in the state without first having obtained an annual license from the department, which shall expire on a date set by rule by the director. License fees shall be prorated where necessary to accommodate staggering of expiration dates. Application for a license shall be on a form prescribed by the director and accompanied by the license fee. The license fee is determined by computing the gross annual sales for the accounting year immediately preceding the license year. If the license is for a new operator, the license fee shall be based on an estimated gross annual sales for the initial license period.

If gross annual sales are:	The license fee is:
\$0 to \$50,000	\$55.00
\$50,001 to \$500,000	\$110.00
\$500,001 to \$1,000,000	\$220.00
\$1,000,001 to \$5,000,000	\$385.00
\$5,000,001 to \$10,000,000	\$550.00
Greater than \$10,000,000	\$825.00

Such application shall include the full name of the applicant for the license and the location of the food processing plant he or she intends to operate. If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership, or names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant. The application shall also specify the type of food to be processed and the method or nature of processing operation or preservation of that food and any other necessary information. Upon the approval of the application by the director and compliance with the provisions of this chapter, including the applicable regulations adopted hereunder by the department, the applicant shall be issued a license or renewal thereof.

Licenses shall be issued to cover only those products, processes, and operations specified in the license application and approved for licensing. Wherever a license holder wishes to engage in processing a type of food product

that is different than the type specified on the application supporting the licensee's existing license and processing that type of food product would require a major addition to or modification of the licensee's processing facilities or has a high potential for harm, the licensee shall submit an amendment to the current license application. In such a case, the licensee may engage in processing the new type of food product only after the amendment has been approved by the department.

If upon investigation by the director, it is determined that a person is processing food for retail sale and is not under permit, license, or inspection by a local health authority, then that person may be considered a food processor and subject to the provisions of this chapter. The director may waive the licensure requirements of this chapter for a person's operations at a facility if the person ~~((is licensed under chapter 15.32 RCW or has a permit))~~ has obtained a milk processing plant license under chapter 15.36 RCW to conduct the same or a similar operation at the facility.

**Sec. 22.** RCW 69.07.100 and 1988 c 5 s 4 are each amended to read as follows:

The provisions of this chapter shall not apply to establishments issued a permit or licensed under the provisions of:

(1) ~~((Chapter 15.32 RCW, the Dairies and dairy products act;~~  
~~{2}))~~ Chapter 69.25 RCW, the Washington wholesome eggs and egg products act;

~~((3))~~ (2) Chapter 69.28 RCW, the Washington state honey act;

~~((4))~~ (3) Chapter 16.49 RCW, the Meat inspection act;

~~((5))~~ (4) Title 66 RCW, relating to alcoholic beverage control; and

~~((6))~~ (5) Chapter 69.30 RCW, the Sanitary control of shellfish act;

PROVIDED, That if any such establishments process foods not specifically provided for in the above entitled acts, such establishments shall be subject to the provisions of this chapter.

The provisions of this chapter shall not apply to restaurants or food service establishments.

**Sec. 23.** RCW 69.07.085 and 1988 c 254 s 9 are each amended to read as follows:

The department may issue sanitary certificates to food processors under this chapter subject to such requirements as it may establish by rule. The fee for issuance shall be ~~((twenty))~~ fifty dollars per certificate. Fees collected under this section shall be deposited in the agricultural local fund.

**NEW SECTION.** **Sec. 24.** The following acts or parts of acts are each repealed:

(1) RCW 69.08.010 and 1971 c 27 s 1 & 1945 c 192 s 1;

(2) RCW 69.08.020 and 1945 c 192 s 4;

(3) RCW 69.08.030 and 1985 c 25 s 1 & 1945 c 192 s 2;

(4) RCW 69.08.040 and 1985 c 25 s 2 & 1945 c 192 s 3;



- (5) RCW 69.08.045 and 1988 c 5 s 5 & 1971 c 27 s 2;
- (6) RCW 69.08.050 and 1945 c 192 s 5;
- (7) RCW 69.08.060 and 1945 c 192 s 6;
- (8) RCW 69.08.070 and 1945 c 192 s 7;
- (9) RCW 69.08.080 and 1945 c 192 s 8; and
- (10) RCW 69.08.090 and 1945 c 192 s 9.

**Sec. 25.** RCW 69.25.020 and 1982 c 182 s 42 are each amended to read as follows:

When used in this chapter the following terms shall have the indicated meanings, unless the context otherwise requires:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly authorized representative.

(3) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof, or assignee for the benefit of creditors.

(4) "Adulterated" applies to any egg or egg product under one or more of the following circumstances:

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(b) If it bears or contains any added poisonous or added deleterious substance (other than one which is: (i) A pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the director, make such article unfit for human food;

(c) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of RCW 69.04.392, as enacted or hereafter amended;

(d) If it bears or contains any food additive which is unsafe within the meaning of RCW 69.04.394, as enacted or hereafter amended;

(e) If it bears or contains any color additive which is unsafe within the meaning of RCW 69.04.396, as enacted or hereafter amended: PROVIDED, That an article which is not otherwise deemed adulterated under subsection (4)(c), (d), or (e) of this section shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive, in or on such article, is prohibited by regulations of the director in official plants;

(f) If it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human food;

(g) If it consists in whole or in part of any damaged egg or eggs to the extent that the egg meat or white is leaking, or it has been contacted by egg meat or white leaking from other eggs;

~~(h)~~ If it has been prepared, packaged, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

~~((h+))~~ ~~(i)~~ If it is an egg which has been subjected to incubation or the product of any egg which has been subjected to incubation;

~~((h+))~~ ~~(j)~~ If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

~~((h+))~~ ~~(k)~~ If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to RCW 69.04.394; or

~~((h+))~~ ~~(l)~~ If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(5) "Capable of use as human food" shall apply to any egg or egg product unless it is denatured, or otherwise identified, as required by regulations prescribed by the director, to deter its use as human food.

(6) "Intrastate commerce" means any eggs or egg products in intrastate commerce, whether such eggs or egg products are intended for sale, held for sale, offered for sale, sold, stored, transported, or handled in this state in any manner and prepared for eventual distribution in this state, whether at wholesale or retail.

(7) "Container" or "package" includes any box, can, tin, plastic, or other receptacle, wrapper, or cover.

(8) "Immediate container" means any consumer package, or any other container in which egg products, not consumer-packaged, are packed.

(9) "Shipping container" means any container used in packaging a product packed in an immediate container.

(10) "Egg handler" or "dealer" means any person who produces, contracts for or obtains possession or control of any eggs for the purpose of sale to another dealer or retailer, or for processing and sale to a dealer, retailer or consumer: PROVIDED, That for the purpose of this chapter, "sell" or "sale" includes the following: Offer for sale, expose for sale, have in possession for sale, exchange, barter, trade, or as an inducement for the sale of another product.

(11) "Egg product" means any dried, frozen, or liquid eggs, with or without added ingredients, excepting products which contain eggs only in a relatively small proportion, or historically have not been, in the judgment of the director, considered by consumers as products of the egg food industry, and which may be exempted by the director under such conditions as he may prescribe to assure that the egg ingredients are not adulterated and such products are not represented as egg products.

(12) "Egg" means the shell egg of the domesticated chicken, turkey, duck, goose, or guinea, or any other specie of fowl.

(13) "Check" means an egg that has a broken shell or crack in the shell but has its shell membranes intact and contents not leaking.

(14) "Clean and sound shell egg" means any egg whose shell is free of adhering dirt or foreign material and is not cracked or broken.

(15) "Dirty egg" means an egg that has a shell that is unbroken and has adhering dirt or foreign material.

(16) "Incubator reject" means an egg that has been subjected to incubation and has been removed from incubation during the hatching operations as infertile or otherwise unhatchable.

(17) "Inedible" means eggs of the following descriptions: Black rots, yellow rots, white rots, mixed rots (addled eggs), sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, and eggs containing embryo chicks (at or beyond the blood ring stage).

(18) "Leaker" means an egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exposed or are exuding or free to exude through the shell.

(19) "Loss" means an egg that is unfit for human food because it is smashed or broken so that its contents are leaking; or overheated, frozen, or contaminated; or an incubator reject; or because it contains a bloody white, large meat spots, a large quantity of blood, or other foreign material.

(20) "Restricted egg" means any check, dirty egg, incubator reject, inedible, leaker, or loss.

(21) "Inspection" means the application of such inspection methods and techniques as are deemed necessary by the director to carry out the provisions of this chapter.

(22) "Inspector" means any employee or official of the department authorized to inspect eggs or egg products under the authority of this chapter.

(23) "Misbranded" shall apply to egg products which are not labeled and packaged in accordance with the requirements prescribed by regulations of the director under RCW 69.25.100.

(24) "Official certificate" means any certificate prescribed by regulations of the director for issuance by an inspector or other person performing official functions under this chapter.

(25) "Official device" means any device prescribed or authorized by the director for use in applying any official mark.

(26) "Official inspection legend" means any symbol prescribed by regulations of the director showing that egg products were inspected in accordance with this chapter.

(27) "Official mark" means the official inspection legend or any other symbol prescribed by regulations of the director to identify the status of any article under this chapter.

(28) "Official plant" means any plant which is licensed under the provisions of this chapter, at which inspection of the processing of egg products is maintained by the United States department of agriculture or by the state under cooperative agreements with the United States department of agriculture or by the state.

(29) "Official standards" means the standards of quality, grades, and weight classes for eggs, adopted under the provisions of this chapter.

(30) "Pasteurize" means the subjecting of each particle of egg products to heat or other treatments to destroy harmful, viable micro-organisms by such processes as may be prescribed by regulations of the director.

(31) "Pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" shall have the same meaning for purposes of this chapter as prescribed in chapter 69.04 RCW.

(32) "Plant" means any place of business where egg products are processed.

(33) "Processing" means manufacturing egg products, including breaking eggs or filtering, mixing, blending, pasteurizing, stabilizing, cooling, freezing, drying, or packaging egg products.

(34) "Retailer" means any person in intrastate commerce who sells eggs to a consumer.

(35) "At retail" means any transaction in intrastate commerce between a retailer and a consumer.

(36) "Consumer" means any person who purchases eggs for his or her own family use or consumption; or any restaurant, hotel, boarding house, bakery, or other institution or concern which purchases eggs for serving to guests or patrons thereof, or for its own use in cooking or baking.

(37) "Candling" means the examination of the interior of eggs by the use of transmitted light used in a partially dark room or place.

(38) "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.

(39) "Ambient temperature" means the atmospheric temperature surrounding or encircling shell eggs.

Sec. 26. RCW 69.25.050 and 1982 c 182 s 43 are each amended to read as follows:

No person shall act as an egg handler or dealer without first obtaining an annual license and permanent dealer's number from the department; such license shall expire on the master license expiration date. Application for an egg dealer license or egg dealer branch license, shall be made through the master license system. The annual egg dealer license fee shall be ~~((ten))~~ thirty dollars and the annual egg dealer branch license fee shall be ~~((five))~~ fifteen dollars. A copy of the master license shall be posted at each location where such licensee operates. Such application shall include the full name of the applicant for the license and the location of each facility he intends to operate. If such applicant is an

individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership or the names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant and any other necessary information prescribed by the director. Upon the approval of the application and compliance with the provisions of this chapter, including the applicable regulations adopted hereunder by the department, the applicant shall be issued a license or renewal thereof. Such license and permanent egg handler or dealer's number shall be nontransferable.

See. 27. RCW 69.25.150 and 1992 c 7 s 47 are each amended to read as follows:

(1) ~~((Any person who commits any offense prohibited by RCW 69.25.110 shall upon conviction be guilty of a gross misdemeanor.))~~ (a) Any person violating any provision of this chapter or any rule adopted under this chapter is guilty of a misdemeanor and guilty of a gross misdemeanor for any second and subsequent violation. Any offense committed more than five years after a previous conviction shall be considered a first offense. A misdemeanor under this section is punishable to the same extent that a misdemeanor is punishable under RCW 9A.20.021 and a gross misdemeanor under this section is punishable to the same extent that a gross misdemeanor is punishable under RCW 9A.20.021.

(b) Whenever the director finds that a person has committed a violation of any of the provisions of this chapter, and that violation has not been punished pursuant to (a) of this subsection, the director may impose upon and collect from the violator a civil penalty not exceeding one thousand dollars per violation per day. Each violation shall be a separate and distinct offense.

When construing or enforcing the provisions of RCW 69.25.110, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of the person's employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

(2) No carrier or warehouseman shall be subject to the penalties of this chapter, other than the penalties for violation of RCW 69.25.140, or subsection (3) of this section, by reason of his or her receipt, carriage, holding, or delivery, in the usual course of business, as a carrier or warehouseman of eggs or egg products owned by another person unless the carrier or warehouseman has knowledge, or is in possession of facts which would cause a reasonable person to believe that such eggs or egg products were not eligible for transportation under, or were otherwise in violation of, this chapter, or unless the carrier or warehouseman refuses to furnish on request of a representative of the director the name and address of the person from whom he or she received such eggs or egg

products and copies of all documents, if there be any, pertaining to the delivery of the eggs or egg products to, or by, such carrier or warehouseman.

(3) Notwithstanding any other provision of law any person who forcibly assaults, resists, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his or her official duties under this chapter shall be punished by a fine of not more than five thousand dollars or imprisonment in a state correctional facility for not more than three years, or both. Whoever, in the commission of any such act, uses a deadly or dangerous weapon, shall be punished by a fine of not more than ten thousand dollars or by imprisonment in a state correctional facility for not more than ten years, or both.

**Sec. 28.** RCW 69.25.170 and 1975 1st ex.s. c 201 s 18 are each amended to read as follows:

(1) The director may, by regulation and under such conditions and procedures as he may prescribe, exempt from specific provisions of this chapter:

(a) The sale, transportation, possession, or use of eggs which contain no more restricted eggs than are allowed by the tolerance in the official state standards for consumer grades for shell eggs;

(b) The processing of egg products at any plant where the facilities and operating procedures meet such sanitary standards as may be prescribed by the director, and where the eggs received or used in the manufacture of egg products contain no more restricted eggs than are allowed by the official standards of the state consumer grades for shell eggs, and the egg products processed at such plant;

(c) The sale of eggs by any poultry producer from his own flocks directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs in accordance with this subsection;

(d) The sale of eggs by shell egg packers on his own premises directly to household consumers for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs in accordance with this subsection;

(e) The sale of eggs by any egg producer with an annual egg production from a flock of three thousand hens or less.

(2) The director may modify or revoke any regulation granting exemption under this chapter whenever he deems such action appropriate to effectuate the purposes of this chapter.

**Sec. 29.** RCW 69.25.250 and 1993 sp.s. c 19 s 12 are each amended to read as follows:

There is hereby levied an assessment not to exceed three mills per dozen eggs entering intrastate commerce, as prescribed by rules and regulations issued by the director. Such assessment shall be applicable to all eggs entering intrastate commerce except as provided in RCW 69.25.170 and 69.25.290. Such assessment shall be paid to the director on a monthly basis on or before the tenth

day following the month such eggs enter intrastate commerce. The director may require reports by egg handlers or dealers along with the payment of the assessment fee. Such reports may include any and all pertinent information necessary to carry out the purposes of this chapter. The director may, by regulations, require egg container manufacturers to report on a monthly basis all egg containers sold to any egg handler or dealer and bearing such egg handler or dealer's (~~license~~) permanent number.

**Sec. 30.** RCW 69.25.310 and 1975 1st ex.s. c 201 s 32 are each amended to read as follows:

(1) All containers used by an egg handler or dealer to package eggs shall bear the name and address or the permanent number issued by the director to said egg handler or dealer. Such permanent number shall be displayed in a size and location prescribed by the director. ~~((It shall constitute a gross misdemeanor for any egg handler or dealer to reuse a container which bears the permanent number of another egg handler or dealer unless such number is totally obliterated prior to reuse.))~~ It shall be a violation for any egg handler or dealer to use a container that bears the permanent number of another egg handler or dealer unless such number is totally obliterated prior to use. The director may in addition require the obliteration of any or all markings that may be on any container which will be (~~reused~~) used for eggs by an egg handler or dealer.

(2) Notwithstanding subsection (1) of this section and following written notice to the director, licensed egg handlers and dealers may use new containers bearing another handler's or dealer's permanent number on a temporary basis, in any event not longer than one year, with the consent of such other handler or dealer for the purpose of using up existing container stocks. Sale of container stock shall constitute agreement by the parties to use the permanent number.

**Sec. 31.** RCW 69.25.320 and 1975 1st ex.s. c 201 s 33 are each amended to read as follows:

(1) In addition to any other records required to be kept and furnished the director under the provisions of this chapter, the director may require any person who sells to any retailer, or to any restaurant, hotel, boarding house, bakery, or any institution or concern which purchases eggs for serving to guests or patrons thereof or for its use in preparation of any food product for human consumption, candled or graded eggs other than those of his own production sold and delivered on the premises where produced, to furnish that retailer or other purchaser with an invoice covering each such sale, showing the exact grade or quality, and the size or weight of the eggs sold, according to the standards prescribed by the director, together with the name and address of the person by whom the eggs were sold. The person selling and the retailer or other purchaser shall keep a copy of said invoice on file at his place of business for a period of thirty days, during which time the copy shall be available for inspection at all reasonable times by the director: PROVIDED, That no retailer or other purchaser shall be guilty of a violation of this chapter if he can establish a guarantee from the

person from whom the eggs were purchased to the effect that they, at the time of purchase, conformed to the information required by the director on such invoice: PROVIDED FURTHER, That if the retailer or other purchaser having labeled any such eggs in accordance with the invoice keeps them for such a time after they are purchased as to cause them to deteriorate to a lower grade or standard, and sells them under the label of the invoice grade or standard, he shall be guilty of a violation of this chapter.

(2) Each retailer and each distributor shall store shell eggs awaiting sale or display eggs under clean and sanitary conditions in areas free from rodents and insects. Shell eggs must be stored up off the floor away from strong odors, pesticides, and cleaners.

(3) After being received at the point of first purchase, all graded shell eggs packed in containers for the purpose of sale to consumers shall be held and transported under refrigeration at ambient temperatures no greater than forty-five degrees Fahrenheit (seven and two-tenths degrees Celsius). This provision shall apply without limitation to retailers, institutional users, dealer/wholesalers, food handlers, transportation firms, or any person who handles eggs after the point of first purchase.

(4) No invoice shall be required on eggs when packed for sale to the United States department of defense, or a component thereof, if labeled with grades promulgated by the United States secretary of agriculture.

NEW SECTION. Sec. 32. The following acts or parts of acts are each repealed:

- (1) RCW 69.25.330 and 1975 1st ex.s. c 201 s 34; and
- (2) RCW 69.25.340 and 1975 1st ex.s. c 201 s 36.

Sec. 33. RCW 15.53.901 and 1982 c 177 s 1 are each amended to read as follows:

The definitions set forth in this section apply ~~((through [throughout]))~~ throughout this chapter.

~~((1) "Department" means the department of agriculture of the state of Washington or its duly authorized representative.~~

~~(2) "Person" means a natural person, individual, firm, partnership, corporation, company, society, or association.~~

~~(3) "Distribute" means to import, consign, manufacture, produce, compound, mix, or blend commercial feed, or to offer for sale, sell, barter, or otherwise supply commercial feed in this state.~~

~~(4) "Distributor" means any person who distributes.~~

~~(5) "Sell" or "sale" includes exchange.~~

~~(6) "Commercial feed" means all materials including customer formula feed which are distributed for use as feed or for mixing in feed, for animals other than man.~~

~~(7) "Feed ingredient" means each of the constituent materials making up a commercial feed.~~



(8) "~~Customer formula feed~~" means ~~a mixture of commercial feed and/or materials each batch of which is mixed according to the specific instructions of the final purchaser or contract feeder.~~

(9) "~~Brand~~" means ~~the term, design, trademark, or other specific designation under which an individual commercial feed is distributed in this state.~~

(10) "~~Product~~" means ~~the name of the commercial feed that identifies it as to kind, class, or specific use.~~

(11) "~~Label~~" means ~~a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed is distributed.~~

(12) "~~Labeling~~" means ~~all labels and other written, printed, or graphic matter upon a commercial feed or any of its containers or wrappers, or otherwise accompanying such commercial feed.~~

(13) "~~Ton~~" means ~~a net weight of two thousand pounds avoirdupois.~~

(14) "~~Percent~~" or "~~percentage~~" means ~~percentage by weight.~~

(15) "~~Official sample~~" means ~~any sample of feed taken by the department, obtained and analyzed as provided in RCW 15.53.9024.~~

(16) "~~Contract feeder~~" means ~~an independent contractor, or any other person who feeds commercial feed to animals pursuant to an oral or written agreement whereby such commercial feed is supplied, furnished or otherwise provided to such person by any distributor and whereby such person's remuneration is determined all or in part by feed consumption, mortality, profits, or amount or quality of product. PROVIDED, That it shall not include a bona fide employee of a manufacturer or distributor of commercial feed.~~

(17) "~~Retail~~" means ~~to distribute to the ultimate consumer.)~~

(1) "Brand name" means a word, name, symbol, or device, or any combination thereof, identifying the commercial feed of a distributor or registrant and distinguishing it from that of others.

(2) "Commercial feed" means all materials or combination of materials that are distributed or intended for distribution for use as feed or for mixing in feed, unless such materials are specifically exempted. Unmixed whole seeds and physically altered entire unmixed seeds, when such whole seeds or physically altered seeds are not chemically changed or not adulterated within the meaning of RCW 15.53.902, are exempt. The department by rule may exempt from this definition, or from specific provisions of this chapter, commodities such as hay, straw, stover, silage, cobs, husks, hulls, and individual chemical compounds or substances when such commodities, compounds, or substances are not intermixed with other materials and are not adulterated within the meaning of RCW 15.53.902.

(3) "Contract feeder" means a person who is an independent contractor and feeds commercial feed to animals pursuant to a contract whereby such commercial feed is supplied, furnished, or otherwise provided to such person and whereby such person's remuneration is determined all or in part by feed consumption, mortality, profits, or amount or quality of product.

(4) "Customer-formula feed" means commercial feed that consists of a mixture of commercial feeds or feed ingredients, or both, each batch of which is manufactured according to the instructions of the final purchaser.

(5) "Department" means the department of agriculture of the state of Washington or its duly authorized representative.

(6) "Director" means the director of the department or a duly authorized representative.

(7) "Distribute" means to offer for sale, sell, exchange or barter, commercial feed; or to supply, furnish, or otherwise provide commercial feed to a contract feeder.

(8) "Distributor" means a person who distributes.

(9) "Drug" means an article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than people and articles, other than feed intended to affect the structure or a function of the animal body.

(10) "Exempt buyer" means a licensee who has agreed to be responsible for reporting tonnage and paying inspection fees for all commercial feeds they distribute. An exempt buyer must apply for exempt buyer status with the department. The department shall maintain a list of all exempt buyers and make the list available on request.

(11) "Feed ingredient" means each of the constituent materials making up a commercial feed.

(12) "Final purchaser" means a person who purchases commercial feed to feed to animals in his or her care.

(13) "Initial distributor" means a person who first distributes a commercial feed in or into this state.

(14) "Label" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed is distributed.

(15) "Labeling" means all labels and other written, printed, or graphic matter: (a) Upon a commercial feed or any of its containers or wrappers; or (b) accompanying such commercial feed.

(16) "Licensee" means a person who holds a commercial feed license as prescribed in this chapter.

(17) "Manufacture" means to grind, mix or blend, or further process a commercial feed for distribution.

(18) "Medicated feed" means a commercial feed containing a drug or other medication.

(19) "Mineral feed" means a commercial feed intended to supply primarily mineral elements or inorganic nutrients.

(20) "Official sample" means a sample of feed taken by the department, obtained and analyzed as provided in RCW 15.53.9024 (3), (5), or (6).

(21) "Percent" or "percentage" means percentage by weight.

(22) "Person" means an individual, firm, partnership, corporation, or association.

(23) "Pet" means a domesticated animal normally maintained in or near the household of the owner of the pet.

(24) "Pet food" means a commercial feed prepared and distributed for consumption by pets.

(25) "Product name" means the name of the commercial feed that identifies it as to kind, class, or specific use.

(26) "Retail" means to distribute to the final purchaser.

(27) "Sell" or "sale" includes exchange.

(28) "Specialty pet" means a domesticated animal pet normally maintained in a cage or tank, such as, but not limited to, gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes, and turtles.

(29) "Specialty pet food" means a commercial feed prepared and distributed for consumption by specialty pets.

(30) "Ton" means a net weight of two thousand pounds avoirdupois.

(31) "Quantity statement" means the net weight (mass), net volume (liquid or dry), or count.

**Sec. 34.** RCW 15.53.9012 and 1965 ex.s. c 31 s 3 are each amended to read as follows:

(1) The department shall administer, enforce and carry out the provisions of this chapter and may adopt rules necessary to carry out its purpose. In adopting such rules, the director shall consider (a) the official definitions of feed ingredients and official feed terms adopted by the association of American feed control officials and published in the official publication of that organization; and (b) any regulation adopted pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301, et seq.), if the department would have the authority under this chapter to adopt the regulations. The adoption of rules shall be subject to a public hearing and all other applicable provisions of chapter 34.05 RCW (Administrative Procedure Act)(~~, as enacted or hereafter amended~~).

(2) The director when adopting rules in respect to the feed industry shall consult with affected parties, such as manufacturers and distributors of commercial feed and any final rule adopted shall be designed to promote orderly marketing and shall be reasonable and necessary and based upon the requirements and condition of the industry and shall be for the purpose of promoting the well-being of the members of the feed industry as well as the well-being of the purchasers and users of feed and for the general welfare of the people of the state.

**NEW SECTION.** **Sec. 35.** A new section is added to chapter 15.53 RCW to read as follows:

(1) Beginning January 1, 1996, a person who manufactures a commercial feed, is an initial distributor of a commercial feed, or whose name appears as the responsible party on a commercial feed label to be distributed in or into this state

shall first obtain from the department a commercial feed license for each facility. Sale of food processing byproducts from fruit, vegetable, or potato processing plants, freezing or dehydrating facilities, or juice or jelly preserving plants, bona fide experimental feed on which accurate records and experimental programs are maintained, and pet food and specialty pet food are exempt from the requirement of a commercial feed license. The sale of byproducts or products of sugar refineries are not exempt from the requirement of a commercial feed license.

(2) Application for a commercial feed license shall be made annually on forms provided by the department and shall be accompanied by a fee of fifty dollars, except that for the period beginning January 1, 1996, and ending June 30, 1996, the fee shall be twenty-five dollars. The commercial feed license shall expire on June 30th of each year.

(3) An application for license shall include the following:

- (a) The name and address of the applicant;
- (b) Other information required by the department by rule.

(4) After January 1, 1996, application for license renewal is due July 1st of each year. If an application for license renewal provided for in this section is not filed with the department prior to July 15th, a delinquency fee of fifty dollars shall be assessed and added to the original fee and must be paid by the applicant before the renewal license is issued. The assessment of the delinquency fee shall not prevent the department from taking other action as provided for in this chapter. The penalty does not apply if the applicant furnishes an affidavit that he or she has not distributed a commercial feed subsequent to the expiration of his or her prior license.

(5) The department may deny a license application if the applicant is not in compliance with this chapter or applicable rules, and may revoke a license if the licensee is not in compliance with this chapter or applicable rules. Prior to denial or revocation of a license, the department shall provide notice and an opportunity to correct deficiencies. If an applicant or licensee fails to correct the deficiency, the department shall deny or revoke the license. If aggrieved by the decision, the applicant or licensee may request a hearing as authorized under chapter 34.05 RCW.

(6) Notwithstanding the payment of a delinquency fee, it is a violation to distribute a commercial feed by an unlicensed person, and nothing in this chapter shall prevent the department from imposing a penalty authorized by this chapter for the violation.

(7) The department may under conditions specified by rule, request copies of labels and labeling in order to determine compliance with the provisions of this chapter.

**Sec. 36.** RCW 15.53.9014 and 1993 sp.s. c 19 s 2 are each amended to read as follows:

(1) Each ~~((commercial feed))~~ pet food and specialty pet food shall be registered with the department and such registration shall be renewed annually before such commercial feed may be distributed in this state~~((--PROVIDED;~~

~~That sales of food processing byproducts from fruit, vegetable, or potato processing plants, freezing or dehydrating facilities, or juice or jelly preserving plants; unmixed seed, whole or processed, made directly from the entire seed; unground hay, straw, stover, silage, cobs, husks, and hulls, when not mixed with other material; bona fide experimental feeds on which accurate records and experimental programs are maintained; and customer formula feeds are exempt from such registration. The exemption for byproducts provided by this subsection does not apply to byproducts or products of sugar refineries or to materials used in the preparation of pet foods.~~

~~(a) Beginning July 1, 1993, each registration for a commercial feed product distributed in packages of ten pounds or more shall be accompanied by a fee of eleven dollars. If such commercial feed is also distributed in packages of less than ten pounds it shall be registered under subsection (b) of this section.~~

~~(b) Beginning July 1, 1993, each registration for a commercial feed product distributed in packages of less than ten pounds shall be accompanied by an annual registration fee of forty five dollars on each such commercial feed so distributed, but no inspection fee may be collected on packages of less than ten pounds of the commercial feed so registered).~~

~~(2) The application for registration of pet food and specialty pet food shall be on forms provided by the department and shall be accompanied by the fees in subsection (3) of this section. Registrations expire on June 30th of each year.~~

~~(3) Pet food and specialty pet food registration fees are as follows:~~

~~(a) Each pet food and specialty pet food distributed in packages of ten pounds or more shall be accompanied by a fee of eleven dollars, except that for the period beginning January 1, 1996, and ending June 30, 1996, the fee shall be five dollars and fifty cents. If such commercial feed is also distributed in packages of less than ten pounds it shall be registered under (b) of this subsection.~~

~~(b) Each pet food and specialty pet food distributed in packages of less than ten pounds shall be accompanied by a fee of forty-five dollars, except that for the period beginning January 1, 1996, and ending June 30, 1996, the fee shall be twenty-two dollars and fifty cents. No inspection fee may be collected on pet food and specialty pet food distributed in packages of less than ten pounds.~~

~~(4) The department may require that ~~((such))~~ the application for registration of pet food and specialty pet food be accompanied by a label and/or other printed matter describing the product. ~~((All registrations expire on December 31st of each year, and are renewable unless such registration is canceled by the department or it has called for a new registration, or unless canceled by the registrant.~~~~

~~(4) The application shall include the information required by RCW 15.53.0016(1)(b) through (1)(e).))~~

~~(5) A distributor shall not be required to register ~~((any commercial feed brand or product which))~~ a pet food or specialty pet food that is already~~

registered under the provisions of this chapter, as long as it is distributed with the original label.

(6) Changes in the guarantee of either chemical or ingredient composition of a ~~((commercial feed))~~ pet food or specialty pet food registered under the provisions of this chapter may be permitted if there is satisfactory evidence that such changes would not result in a lowering of the feed value of the product for the purpose for which it was designed.

(7) The department is ~~((empowered))~~ authorized to refuse registration of any application not in compliance with the provisions of this chapter and any rule adopted under this chapter and to cancel any registration subsequently found to be not in compliance with any provisions of this chapter ~~((, but a registration shall not be refused or canceled until the registrant has been given opportunity to be heard before the department and to amend his application in order to comply with the requirements of))~~ and any rule adopted under this chapter. Prior to refusal or cancellation of a registration, the applicant or registrant of an existing registered pet food or specialty pet food shall be notified of the reasons and given an opportunity to amend the application to comply. If the applicant does not make the necessary corrections, the department shall refuse to register the feed. The applicant or registrant of an existing registered pet food or specialty pet food may request a hearing as provided for in chapter 34.05 RCW.

(8) After January 1, 1996, application for renewal of registration is due July 1st of each year. If an application for renewal of the registration provided for in this section is not filed prior to ~~((January 1st))~~ July 15th of any one year, a penalty of ten dollars per product shall be assessed and added to the original fee and shall be paid by the applicant before the renewal registration may be issued, unless the applicant furnishes an affidavit that he has not distributed this feed subsequent to the expiration of his or her prior registration.

(9) It is a violation of this chapter to distribute an unregistered pet food or specialty pet food. Payment of a delinquency fee shall not prevent the department from imposing a penalty authorized by this chapter for the violation.

Sec. 37. RCW 15.53.9016 and 1965 ex.s. c 31 s 5 are each amended to read as follows:

(1) Any commercial feed ~~((registered with the department and)),~~ except a customer-formula feed, distributed in this state shall be accompanied by a legible label bearing the following information:

(a) ~~((The net weight as required under chapter 19.94 RCW as enacted or hereinafter amended.~~

~~((b)))~~ The product name ((&#167;)) and the brand name, if any, under which the commercial feed is distributed.

~~((c))~~ The guaranteed analysis of the commercial feed, listing the minimum percentage of crude protein, minimum percentage of crude fat, and maximum percentage of crude fiber. For mineral feeds the list shall include the following if added: Minimum and maximum percentages of calcium (Ca), minimum percentage of phosphorus (P), minimum percentage of iodine (I), and minimum

~~and maximum percentages of salt (NaCl). Other substances or elements, determinable by laboratory methods, may be guaranteed by permission of the department. When any items are guaranteed, they shall be subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the department. Products distributed solely as mineral and/or vitamin supplements and guaranteed as specified in this section need not show guarantees for protein, fat, and fiber.~~

~~((d))~~ (b) The guaranteed analysis stated in such terms as the department by rule determines is required to advise the user of the composition of the feed or to support claims made in the labeling. In all cases the substances or elements must be determinable by laboratory methods such as the methods published by the association of official analytical chemists.

(c) The common or usual name of each ingredient used in the manufacture of the commercial feed, except as the department may, by regulation, permit the use of a collective term for a group of ingredients all of which perform the same function. An ingredient statement is not required for single standardized ingredient feeds which are officially defined.

~~((e))~~ (d) The name and principal mailing address of the person responsible for distributing the commercial feed.

(e) Adequate directions for use for all commercial feeds containing drugs and for all such other commercial feeds as the department may require by rule as necessary for their safe and effective use.

(f) Precautionary statements as the department by rule determines are necessary for the safe and effective use of the commercial feed.

(g) The net weight as required under chapter 19.94 RCW.

(2) When a commercial feed, except a customer-formula feed, is distributed in this state in bags or other containers, the label shall be placed on or affixed to the container; when a commercial feed, except a customer-formula feed, is distributed in bulk the label shall accompany delivery and be furnished to the purchaser at time of delivery.

(3) A customer-formula feed shall be labeled by ~~((invoice))~~ shipping document. The ~~((invoice))~~ shipping document, which is to accompany delivery and be supplied to the purchaser at the time of delivery, shall bear the following information:

(a) Name and address of the ~~((mixer))~~ manufacturer;

(b) Name and address of the purchaser;

(c) Date of ~~((sale; and))~~ delivery;

(d) ~~((Brand name and number of pounds of each registered commercial feed used in the mixture and the name and number of pounds of each other feed ingredient added.~~

~~(4) If a commercial feed contains a nonnutritive substance which is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or which is intended to affect the structure or any function of the animal body, the~~

department may require the label to show the amount present, directions for use, and/or warnings against misuse of the feed.

~~(5) A customer formula feed shall be considered to be in violation of this chapter if it does not conform to the invoice labeling. Upon request of the department it shall be the duty of the person distributing the customer formula feed to supply the department with a copy of the invoice which represents that particular feed: PROVIDED, That such person shall not be required to keep such invoice for a period of longer than six months))~~ Product name and the net weight as required under chapter 19.94 RCW;

(e) Adequate directions for use for all customer-formula feeds containing drugs and for such other feeds as the department may require by rule as necessary for their safe and effective use;

(f) The directions for use and precautionary statements as required by subsection (1) (e) and (f) of this section; and

(g) If a drug containing product is used;

(i) The purpose of the medication (claim statement);

(ii) The established name of each active drug ingredient and the level of each drug used in the final mixture expressed in accordance with rules established by the department.

(4) The product name and quantity statement of each commercial feed and each other ingredient used in the customer formula feed must be on file at the plant producing the product. These records must be kept on file for one year after the last sale. This information shall be made available to the purchaser, the dealer making the sale, and the department on request.

Sec. 38. RCW 15.53.9018 and 1982 c 177 s 3 are each amended to read as follows:

~~(1) ((On or after June 30, 1984,))~~ Except as provided in subsection (4) of this section, each initial distributor of a commercial feed in this state shall pay to the department an inspection fee on all commercial feed sold by such person during the year. The fee shall be not less than four cents nor more than ((fourteen)) twelve cents per ton as prescribed by the director by rule: PROVIDED, That such fees shall be used for routine enforcement ((of RCW 15.53.9022 and for analysis for contaminants only when the department has reasonable cause to believe any lot of feed or any feed ingredient is adulterated)) and administration of this chapter and rules adopted under this chapter.

~~(2) ((In computing the tonnage on which the inspection fee must be paid, sales of: (a) Commercial feed to other feed registrants;))~~ An inspection fee is not required for: (a) Commercial feed distributed by a person having proof that inspection fees have been paid by his or her supplier (manufacturer); (b) commercial feed in packages weighing less than ten pounds; (c) commercial feed for shipment to points outside this state; (d) food processing byproducts from fruit, vegetable, or potato processing plants, freezing or dehydrating facilities, or juice or jelly preserving plants; and (e) ((unmixed seed, whole or processed, made directly from the entire seed; (f) unground hay, straw, stover, silage, cobs;



~~husks, and hulls, when not mixed with other material; and (g)) bona fide experimental feeds on which accurate records and experimental programs are maintained ((may be excluded. The exemption for byproducts provided by this subsection does not apply to byproducts or products of sugar refineries or to materials used in the preparation of pet foods)).~~

(3) Tonnage will be reported and inspection fees will be paid on (a) byproducts or products of sugar refineries; (b) materials used in the preparation of pet foods and specialty pet food.

(4) When more than one distributor is involved in the distribution of a commercial feed, the ((last registrant or)) initial distributor ((who distributes to a nonregistrant (dealer or consumer))) is responsible for reporting the tonnage and paying the inspection fee, unless ((the reporting and paying of fees have been made by a prior distributor of the feed)) this sale or transaction is made to an exempt buyer.

~~((4))~~ (5) Each person made responsible by this chapter for the payment of inspection fees for commercial feed sold in this state shall file a report with the department on January 1st and July 1st of each year showing the number of tons of such commercial feed sold during the six calendar months immediately preceding the date the report is due. The proper inspection fee shall be remitted with the report. The person required to file the report and pay the fee shall have a thirty-day period of grace immediately following the day the report and payment are due to file the report, and pay the fee. Upon permission of the department, an annual statement under oath may be filed by any person distributing within the state less than one hundred tons for each six-month period during any year, and upon filing such statement such person shall pay the inspection fee at the rate provided for in subsection (1) of this section. The minimum inspection fee shall be twelve dollars and fifty cents for each six-month reporting period or twenty-five dollars if reporting annually.

~~((5) Each distributor shall keep such reasonable and practical records as may be necessary or required by the department to indicate accurately the tonnage of commercial feed distributed in this state, and the department has the right to examine such records to verify statements of tonnage. Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided herein constitutes a violation of this chapter, and may result in the issuance of an order for "withdrawal from distribution" on any commercial feed being subsequently distributed.~~

~~(6) Inspection fees which are due and owing and have not been remitted to the department within thirty days following the due date shall have a collection fee of ten percent, but not less than ten dollars, added to the amount due when payment is finally made. The assessment of this collection fee shall not prevent the department from taking other actions as provided for in this chapter.~~

~~(7))~~ (6) For the purpose of determining accurate tonnage of commercial feed distributed in this state or to identify or verify semiannual tonnage reports,

the department may require each registrant or licensee, or both, to maintain records or file additional reports.

(7) The department may examine at reasonable times the records maintained under this section. Records shall be maintained in usable condition by the registrant or licensee for a period of two years unless by rule this retention period is extended.

(8) The registrant or licensee shall maintain records required under this section and submit these records to the department upon request.

(9) Any person responsible for reporting tonnage or paying inspection fees who fails to do so before the thirty-first day following the last day of each reporting period, shall pay a penalty equal to fifteen percent of the inspection fee due or fifty dollars, whichever is greater. The penalty, together with any delinquent inspection fee is due before the forty-first day following the last day of each reporting period. The department may cancel registration of a registrant or may revoke a license of a licensee who fails to pay the penalty and delinquent inspection fees within that time period. The applicant or licensee may request a hearing as authorized under chapter 34.05 RCW.

(10) The report required by subsection ~~((4))~~ (5) of this section shall not be a public record, and it is a misdemeanor for any person to divulge any information given in such report which would reveal the business operation of the person making the report: PROVIDED, That nothing contained in this subsection shall be construed to prevent or make unlawful the use of information concerning the business operation of a person if any action, suit, or proceeding instituted under the authority of this chapter, including any civil action for collection of unpaid inspection fees, which action is hereby authorized and which shall be as an action at law in the name of the director of the department.

~~((8))~~ (11) Any commercial feed purchased by a consumer or contract feeder outside the jurisdiction of this state and brought into this state for use is subject to all the provisions of this chapter, including inspection fees.

**Sec. 39.** RCW 15.53.902 and 1982 c 177 s 4 are each amended to read as follows:

It is unlawful for any person to distribute an adulterated feed. A commercial feed is deemed to be adulterated:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such commercial feed shall not be considered adulterated under this subsection if the quantity of such substance in such commercial feed does not ordinarily render it injurious to health; or

(2) If it bears or contains any added poisonous, added deleterious, or added nonnutritive substance which is unsafe within the meaning of section 406 of the Federal Food, Drug, and Cosmetic Act (other than one which is (a) a pesticide chemical in or on a raw agricultural commodity; or (b) a food additive); or

(3) If it is, or it bears, or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 348); or

(4) If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of section 408(a) of the Federal Food, Drug, and Cosmetic Act: PROVIDED, That where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under section 408 of the Federal Food, Drug, and Cosmetic Act and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed feed shall not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of such residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity unless the feeding of such processed feed will result or is likely to result in a pesticide residue in the edible product of the animal, which is unsafe within the meaning of section 408(a) of the Federal Food, Drug, and Cosmetic Act; or

(5) If it is, or it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act; or

(6) If it is, or it bears or contains any new animal drug that is unsafe within the meaning of section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 360b); or

(7) If any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefor; or

~~((7))~~ (8) If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling; or

~~((8))~~ (9) If it contains a drug and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to current good manufacturing practice rules adopted by the department to assure that the drug meets the requirements of this chapter as to safety and has the identity and strength and meets the quality and purity characteristics that it purports or is represented to possess. In adopting such rules, the department shall adopt the current good manufacturing practice regulations for type A medicated articles and type B and type C medicated feeds established under authority of the Federal Food, Drug, and Cosmetic Act, unless the department determines that they are not appropriate to the conditions that exist in this state;  
or

(10) If it contains viable, prohibited (primary) noxious weed seeds in excess of one per pound, or if it contains viable, restricted (secondary) noxious weed seeds in excess of twenty-five per pound. The primary and secondary noxious weed seeds shall be those as named pursuant to the provisions of chapter 15.49 RCW (~~as enacted or hereafter amended~~) and rules adopted thereunder.

**Sec. 40.** RCW 15.53.9022 and 1965 ex.s. c 31 s 8 are each amended to read as follows:

It shall be unlawful for any person to distribute misbranded feed. A commercial feed shall be deemed to be misbranded:

- (1) If its labeling is false or misleading in any particular;
- (2) If it is distributed under the name of another commercial feed;
- (3) If it is not labeled as required in RCW 15.53.9016 and in ~~((regulations))~~ rules prescribed under this chapter;
- (4) If it purports to be or is represented as a commercial feed ~~((ingredient))~~, or if it purports to contain or is represented as containing a commercial feed or feed ingredient, unless such commercial feed or feed ingredient conforms to the definition of identity, if any, prescribed by ~~((regulation))~~ rule of the department. In the adopting of such ~~((regulations))~~ rules the department may consider commonly accepted definitions such as those issued by nationally recognized associations or groups of feed control officials;
- (5) If any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;
- (6) If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling.

**Sec. 41.** RCW 15.53.9024 and 1965 ex.s. c 31 s 9 are each amended to read as follows:

~~(1) ((It shall be the duty of the department to sample, inspect, make analysis of, and test commercial feed distributed within this state at such time and place and to such an extent as it may deem necessary to determine whether such feeds are in compliance with the provisions of this chapter. The department is authorized to stop any commercial vehicle transporting feed on the public highways and direct it to the nearest scales approved by the department to check weights of feeds being delivered. The department is also authorized, upon presentation of proper identification, to enter any distributor's premises including any vehicle of transport at all reasonable times in order to have access to commercial feed and to records relating to their distribution. This includes the determining of the weight of packages and bulk shipments.~~

~~(2) The methods of sampling and analysis shall be those adopted by the department from officially recognized sources.~~

(3)) For the purpose of enforcement of this chapter, and in order to determine whether its provisions have been complied with, including whether an operation is subject to such provisions, inspectors duly designated by the director, upon presenting appropriate credentials, and a written notice to the owner, operator, or agent in charge, are authorized (a) to enter, during normal business hours, a factory, warehouse, or establishment within the state in which

commercial feeds are manufactured, processed, packed, or held for distribution, or to enter a vehicle being used to transport or hold such feeds; and (b) to inspect at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling. The inspection may include the verification of only such records, and production and control procedures as may be necessary to determine compliance with the current good manufacturing practice regulations established under RCW 15.53.902(9) and rules adopted under good manufacturing practices for feeds to include nonmedicated feeds.

(2) A separate notice shall be given for each such inspection, but a notice is not required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness. Upon completion of the inspection, the person in charge of the facility or vehicle shall be so notified.

(3) If the inspector or employee making such inspection of a factory, warehouse, or other establishment has obtained a sample in the course of the inspection, upon completion of the inspection and prior to leaving the premises, he or she shall give to the owner, operator, or agent in charge, a receipt describing the samples obtained.

(4) If the owner of a factory, warehouse, or establishment described in subsection (1) of this section, or his or her agent, refuses to admit the director or his or her agent to inspect in accordance with subsections (1) and (2) of this section, the director or his or her agent is authorized to obtain from any court of competent jurisdiction a warrant directing such owner or his or her agent to submit the premises described in the warrant to inspection.

(5) For the enforcement of this chapter, the director or his or her duly assigned agent is authorized to enter upon any public or private premises including any vehicle of transport during regular business hours to have access to, and to obtain samples, and to examine records relating to distribution of commercial feeds.

(6) Sampling and analysis shall be conducted in accordance with methods published by the association of official analytical chemists, or in accordance with other generally recognized methods.

(7) The results of all analyses of official samples shall be forwarded by the department to the person named on the label and to the purchaser, if known. If the inspection and analysis of an official sample indicates a commercial feed has been adulterated or misbranded and upon request within thirty days following the receipt of the analysis, the department shall furnish to the registrant or licensee a portion of the sample concerned. If referee analysis is requested, a portion of the official sample shall be furnished by the department and shall be sent directly to an independent lab agreed to by all parties.

(8) The department, in determining for administrative purposes whether a feed is deficient in any component, shall be guided solely by the official sample

as defined in RCW 15.53.901(~~((43))~~) (20) and obtained and analyzed as provided for in this section.

~~((4) When the inspection and analysis of an official sample has been made the results of analysis shall be forwarded by the department to the distributor and to the purchaser if known. Upon request and within thirty days the department shall furnish to the distributor a portion of the sample concerned.~~

~~(5))~~ (9) Analysis of an official sample by the department shall be accepted as prima facie evidence by any court of competent jurisdiction.

**Sec. 42.** RCW 15.53.9038 and 1982 c 177 s 5 are each amended to read as follows:

(1) When the department has reasonable cause to believe that any lot of commercial feed is adulterated or misbranded or is being distributed in violation of this chapter or any (~~(regulations)~~) rules hereunder it may issue and enforce a written or printed "withdrawal from distribution" order, or "stop sale" order, warning the distributor not to dispose of the lot of feed in any manner until written permission is given by the department (~~(or a court of competent jurisdiction)~~). The department shall release the lot of commercial feed so withdrawn when the provisions and (~~(regulations)~~) rules have been complied with. If compliance is not obtained within thirty days, parties may agree to an alternative disposition in writing or the department may ((begin)) institute condemnation proceedings ((for condemnation)) in a court of competent jurisdiction.

(2) Any lot of commercial feed not in compliance with the provisions and (~~(regulations)~~) rules is subject to seizure on complaint of the department to a court of competent jurisdiction in the area in which the commercial feed is located. If the court finds the commercial feed to be in violation of this chapter and orders the condemnation of the commercial feed, it shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of the state. The court shall first give the claimant an opportunity to apply to the court for release of the commercial feed or for permission to process or relabel the commercial feed to bring it into compliance with this chapter.

**Sec. 43.** RCW 15.53.9042 and 1965 ex.s. c 31 s 18 are each amended to read as follows:

The department shall publish at least annually, in such forms as it may deem proper, information concerning the distribution of commercial feed, together with such data on their production and use as it may consider advisable, and a report of the results of the analyses of official samples of commercial feed within the state as compared with the analyses guaranteed (~~(in the registration and)~~) on the label or as calculated from the invoice data for customer-formula feeds: PROVIDED, That the information concerning production and use of commercial feeds shall not disclose the operations of any person.

**Sec. 44.** RCW 15.53.9053 and 1975 1st ex.s. c 257 s 12 are each amended to read as follows:

~~((1) The following acts or parts of acts are each repealed:~~

~~(a) Section 10, chapter 31, Laws of 1965 ex. sess., section 33, chapter 240, Laws of 1967 and RCW 15.53.9026; and~~

~~(b) Sections 11 through 14, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9028 through 15.53.9034.~~

~~(2) The enactment of this act and the repeal of the sections listed in subsection (1) of this section shall not have the effect of terminating, or in any way modify any liability, civil or criminal, which shall already be in existence on July 1, 1975.~~

~~(3)) All licenses and registrations in effect on July 1, ((1975)) 1995, shall continue in full force and effect until their regular expiration date, December 31, ((1975)) 1995. No registration or license that has already been paid under the requirements of prior law shall be refunded.~~

NEW SECTION. Sec. 45. (1) The following acts or parts of acts are each repealed:

(a) Section 10, chapter 31, Laws of 1965 ex. sess., section 33, chapter 240, Laws of 1967 and RCW 15.53.9026; and

(b) Sections 11 through 14, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9028 through 15.53.9034.

(2) The enactment of chapter 257, Laws of 1975 1st ex. sess. and the repeal of the sections listed in subsection (1) of this section shall not have the effect of terminating, or in any way modify any liability, civil or criminal, which shall already be in existence on July 1, 1975.

NEW SECTION. Sec. 46. RCW 15.53.9036 and 1989 c 175 s 51, 1975 1st ex.s. c 257 s 6, & 1965 ex.s. c 31 s 15 are each repealed.

NEW SECTION. Sec. 47. RCW 15.53.905 and 15.53.9052 are each decodified.

Sec. 48. RCW 16.57.220 and 1994 c 46 s 19 are each amended to read as follows:

The director shall cause a charge to be made for all brand inspection of cattle and horses required under this chapter and rules adopted hereunder. Such charges shall be paid to the department by the owner or person in possession unless requested by the purchaser and then such brand inspection shall be paid by the purchaser requesting such brand inspection. Except as provided by rule, such inspection charges shall be due and payable at the time brand inspection is performed and shall be paid upon billing by the department and if not shall constitute a prior lien on the cattle or cattle hides or horses or horse hides brand inspected until such charge is paid. The director in order to best utilize the services of the department in performing brand inspection may establish schedules by days and hours when a brand inspector will be on duty to perform brand inspection at established inspection points. The fees for brand inspection shall be not less than fifty cents nor more than seventy-five cents per head for cattle and not less than two dollars nor more than three dollars per head for

horses as prescribed by the director by rule subsequent to a hearing under chapter 34.05 RCW and in conformance with RCW 16.57.015. Fees for brand inspection of cattle and horses (~~(performed by the director)~~) at points other than those designated by the director or not in accord with the schedules established by the director shall be based on a fee schedule not to exceed actual net cost to the department of performing the brand inspection service. For the purpose of this section, actual costs shall mean fifteen dollars per hour and the current mileage rate set by the office of financial management.

**Sec. 49.** RCW 16.57.220 and 1994 c 46 s 25 and 1994 c 46 s 19 are each reenacted and amended to read as follows:

The director shall cause a charge to be made for all brand inspection of cattle and horses required under this chapter and rules adopted hereunder. Such charges shall be paid to the department by the owner or person in possession unless requested by the purchaser and then such brand inspection shall be paid by the purchaser requesting such brand inspection. Except as provided by rule, such inspection charges shall be due and payable at the time brand inspection is performed and shall be paid upon billing by the department and if not shall constitute a prior lien on the cattle or cattle hides or horses or horse hides brand inspected until such charge is paid. The director in order to best utilize the services of the department in performing brand inspection may establish schedules by days and hours when a brand inspector will be on duty to perform brand inspection at established inspection points. The fees for brand inspection performed at inspection points according to schedules established by the director shall be sixty cents per head for cattle and not more than two dollars and forty cents per head for horses as prescribed by the director subsequent to a hearing under chapter 34.05 RCW and in conformance with RCW 16.57.015. Fees for brand inspection of cattle and horses (~~(performed by the director)~~) at points other than those designated by the director or not in accord with the schedules established by the director shall be based on a fee schedule not to exceed actual net cost to the department of performing the brand inspection service. For the purpose of this section, actual costs shall mean fifteen dollars per hour and the current mileage rate set by the office of financial management.

**Sec. 50.** RCW 16.57.230 and 1959 c 54 s 23 are each amended to read as follows:

No person shall collect or make a charge for brand inspection of livestock unless there has been an actual brand inspection of such livestock (~~(by the director)~~).

**Sec. 51.** RCW 16.57.240 and 1991 c 110 s 4 are each amended to read as follows:

Any person purchasing, selling, holding for sale, trading, bartering, transferring title, slaughtering, handling, or transporting cattle shall keep a record on forms prescribed by the director. Such forms shall show the number, specie, brand or other method of identification of such cattle and any other necessary



information required by the director. The original shall be kept for a period of three years or shall be furnished to the director upon demand or as prescribed by rule, one copy shall accompany the cattle to their destination and shall be subject to inspection at any time by the director or any peace officer or member of the state patrol: PROVIDED, That in the following instances only, cattle may be moved or transported within this state without being accompanied by ~~((a))~~ an official certificate of permit ~~((or an official))~~, brand inspection certificate ~~((or))~~, bill of sale, or self-inspection slip:

(1) When such cattle are moved or transported upon lands under the exclusive control of the person moving or transporting such cattle;

(2) When such cattle are being moved or transported for temporary grazing or feeding purposes and have the registered brand of the person having or transporting such cattle.

**Sec. 52.** RCW 16.57.280 and 1991 c 110 s 5 are each amended to read as follows:

No person shall knowingly have unlawful possession of any livestock marked with a recorded brand or tattoo of another person unless:

(1) Such livestock lawfully bears the person's own healed recorded brand~~((r))~~; or

(2) Such livestock is accompanied by a certificate of permit from the owner of the recorded brand or tattoo~~((r))~~; or

(3) Such livestock is accompanied by a brand inspection certificate~~((r))~~; or

(4) Such cattle is accompanied by a self-inspection slip; or

(5) Such livestock is accompanied by a bill of sale from the previous owner or other satisfactory proof of ownership.

A violation of this section constitutes a gross misdemeanor punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

**Sec. 53.** RCW 16.57.290 and 1989 c 286 s 23 are each amended to read as follows:

All unbranded cattle and horses and those bearing brands not recorded, in the current edition of this state's brand book, which are not accompanied by a certificate of permit, and those bearing brands recorded, in the current edition of this state's brand book, which are not accompanied by a certificate of permit signed by the owner of the brand when presented for inspection by the director, shall be sold by the director or the director's representative, unless other satisfactory proof of ownership is presented showing the person presenting them to be lawfully in possession. Upon the sale of such cattle or horses, the director or the director's representative shall give the purchasers a bill of sale therefor, or, if theft is suspected, the cattle or horses may be impounded by the director or the director's representative.

**Sec. 54.** RCW 16.65.030 and 1994 c 46 s 12 are each amended to read as follows:

(1) On and after June 10, 1959, no person shall operate a public livestock market without first having obtained a license from the director. Application for such license (~~(or renewal thereof)~~) shall be in writing on forms prescribed by the director, and shall include the following:

(a) A nonrefundable original license application fee of fifteen hundred dollars.

(b) A legal description of the property upon which the public livestock market shall be located.

~~((b))~~ (c) A complete description and blueprints or plans of the public livestock market physical plant, yards, pens, and all facilities the applicant proposes to use in the operation of such public livestock market.

~~((e))~~ (d) A detailed statement showing all the assets and liabilities of the applicant which must reflect a sufficient net worth to construct or operate a public livestock market.

~~((d))~~ (e) The schedule of rates and charges the applicant proposes to impose on the owners of livestock for services rendered in the operation of such livestock market.

~~((e))~~ (f) The weekly or monthly sales day or days on which the applicant proposes to operate his or her public livestock market sales.

~~((f))~~ (g) Projected source and quantity of livestock, by county, anticipated to be handled.

~~((g))~~ (h) Projected income and expense statements for the first year's operation.

~~((h))~~ (i) Facts upon which are based the conclusion that the trade area and the livestock industry will benefit because of the proposed market.

~~((i))~~ (j) Such other information as the director may reasonably require.

(2) The director shall, after public hearing as provided by chapter 34.05 RCW, grant or deny an application for original license for a public livestock market after considering evidence and testimony relating to all of the requirements of this section and giving reasonable consideration at the same hearing to:

(a) Benefits to the livestock industry to be derived from the establishment and operation of the public livestock market proposed in the application; and

(b) The present market services elsewhere available to the trade area proposed to be served.

~~(3) (Such application shall be accompanied by a license fee based on the average gross sales volume per official sales day of that market:~~

~~(a) Markets with an average gross sales volume up to and including ten thousand dollars, a fee of no less than one hundred dollars or more than one hundred fifty dollars;~~

~~(b) Markets with an average gross sales volume over ten thousand dollars and up to and including fifty thousand dollars, a fee of no less than two hundred dollars or more than three hundred fifty dollars; and~~

~~(c) Markets with an average gross sales volume over fifty thousand dollars, a fee of no less than three hundred dollars or more than four hundred fifty dollars.~~

~~The fees for public livestock market licensees shall be set by the director by rule subsequent to a hearing under chapter 34.05 RCW and in conformance with RCW 16.57.015.~~

~~(4) Any applicant operating more than one public livestock market shall make a separate application for a license to operate each such public livestock market, and each such application shall be accompanied by the appropriate license fee.~~

~~(5) Upon the approval of the application by the director and compliance with the provisions of this chapter, the applicant shall be issued a license or renewal thereof. Any license issued under the provisions of this chapter shall only be valid at location and for the sales day or days for which the license was issued))~~  
Applications for renewal under RCW 16.65.040 shall include all information under subsection (1) of this section, except subsection (1)(a) of this section.

NEW SECTION. Sec. 55. 1994 c 46 s 21 is repealed.

NEW SECTION. Sec. 56. A new section is added to chapter 16.65 RCW to read as follows:

(1) Upon the approval of the application by the director and compliance with the provisions of this chapter, the applicant shall be issued a license or renewal thereof. Any license issued under the provisions of this chapter shall only be valid at location and for the sales day or days for which the license was issued.

(2) The license fee shall be based on the average gross sales volume per official sales day of that market:

(a) Markets with an average gross sales volume up to and including ten thousand dollars, a fee of no less than one hundred dollars or more than one hundred fifty dollars;

(b) Markets with an average gross sales volume over ten thousand dollars and up to and including fifty thousand dollars, a fee of no less than two hundred dollars or more than three hundred fifty dollars; and

(c) Markets with an average gross sales volume over fifty thousand dollars, a fee of no less than three hundred dollars or more than four hundred fifty dollars.

The fees for public livestock market licenses shall be set by the director by rule subsequent to a hearing under chapter 34.05 RCW and in conformance with RCW 16.57.015.

(3) Any applicant operating more than one public livestock market shall make a separate application for a license to operate each such public livestock market, and each such application shall be accompanied by the appropriate application fee.

NEW SECTION. Sec. 57. A new section is added to chapter 16.65 RCW to read as follows:

(1) Upon the approval of the application by the director and compliance with the provisions of this chapter, the applicant shall be issued a license or renewal thereof. Any license issued under the provisions of this chapter shall only be valid at location and for the sales day or days for which the license was issued.

(2) The license fee shall be based on the average gross sales volume per official sales day of that market:

(a) Markets with an average gross sales volume up to and including ten thousand dollars, a one hundred twenty dollar fee;

(b) Markets with an average gross sales volume over ten thousand dollars and up to and including fifty thousand dollars, a two hundred forty dollar fee; and

(c) Markets with an average gross sales volume over fifty thousand dollars, a three hundred sixty dollar fee.

The fees for public market licenses shall be set by the director by rule subsequent to a hearing under chapter 34.05 RCW and in conformance with RCW 16.57.015.

(3) Any applicant operating more than one public livestock market shall make a separate application for a license to operate each such public livestock market, and each such application shall be accompanied by the appropriate application fee.

NEW SECTION. Sec. 58. (1) Sections 49 and 57 of this act shall take effect July 1, 1997.

(2) Sections 48 and 56 of this act shall expire July 1, 1997.

Sec. 59. RCW 15.44.033 and 1967 c 240 s 30 are each amended to read as follows:

Producer members of the commission shall be nominated and elected by producers within the district that such producer members represent in the year in which a commission member's term shall expire. Such producer members receiving the largest number of the votes cast in the respective districts which they represent shall be elected. The election shall be by secret mail ballot and under the supervision of the director.

Nomination for candidates to be elected to the commission shall be conducted by mail by the director. Such nomination forms shall be mailed by the director to each producer in a district where a vacancy is about to occur. Such mailing shall be made on or after April 1st, but not later than April 10th of the year the commission vacancy will occur. The nomination form shall provide for the name of the producer being nominated and the names of five producers nominating such nominee. The producers nominating such nominee shall affix their signatures to such form and shall further attest that the said nominee meets the qualifications for a producer member to serve on the commission and that he or she will be willing to serve on the commission if elected.

All nominations as provided for herein shall be returned to the director by April 30th, and the director shall not accept any nomination postmarked later than midnight April 30th, nor place the candidate thereon on the election ballot.

Ballots for electing members to the commission will be mailed by the director to all eligible producers no later than May 15th, in districts where elections are to be held and such ballots to be valid shall be returned postmarked no later than May 31st of the year mailed, to the director in Olympia.

~~((Whenever producers fail to file any nominating petitions, the director shall nominate at least two, but not more than three, qualified producers and place their names on the secret mail election ballot as nominees: PROVIDED, That any qualified producer may be elected by a write-in ballot, even though said producer's name was not placed in nomination for such election.))~~ If only one person is nominated for a position on the commission, the director shall determine whether the person possesses the qualifications required by statute for the position and, if the director determines that the person possesses such qualifications, the director shall declare that the person has been duly elected.

**Sec. 60.** RCW 43.88.240 and 1981 c 225 s 3 are each amended to read as follows:

Unless otherwise directed in the commodity commission enabling statute, this chapter shall not apply to the Washington state ~~((apple advertising commission, the Washington state fruit commission, the Washington tree fruit research commission, the Washington state beef commission, the Washington state dairy products commission, or any agricultural))~~ commodity commissions created either under separate statute or under the provisions of chapters 15.65 and 15.66 RCW: PROVIDED, That all such commissions shall submit estimates and such other necessary information as may be required for the development of the budget and shall also be subject to audit by the appropriate state auditing agency or officer.

**NEW SECTION.** **Sec. 61.** A new section is added to chapter 43.23 RCW to read as follows:

For purposes of this chapter:

- (1) "Department" means department of agriculture;
- (2) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

**NEW SECTION.** **Sec. 62.** A new section is added to chapter 43.23 RCW to read as follows:

Except as otherwise specified by law, the director or his or her designee has the authority to retain collection agencies licensed under chapter 19.16 RCW for the purposes of collecting unpaid penalties, assessments, and other debts owed to the department.

The director or his or her designee may also collect as costs moneys paid to the collection agency as charges, or in the case of credit cards or financial

instruments, such as checks returned for nonpayment, moneys paid to financial institutions.

**NEW SECTION. Sec. 63.** A new section is added to chapter 43.23 RCW to read as follows:

Except as otherwise specified by law, any due and payable assessment levied under the authority of the director or his or her designee in such specified amount as may be determined by the department shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the department when payment is called for by the department. In the event any person fails to pay the department the full amount of such assessment or such other sum on or before the date due, the department may, and is hereby authorized to, add to such unpaid assessment or other sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other sum, the department may bring a civil action against such person or persons in a court of competent jurisdiction for the collections thereof, including all costs and reasonable attorneys' fees together with the above specified ten percent, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

**NEW SECTION. Sec. 64.** A new section is added to chapter 43.23 RCW to read as follows:

Except as otherwise specified by law, the department is authorized to charge interest at the rate authorized under RCW 43.17.240 for all unpaid balances for moneys owed to the department.

**NEW SECTION. Sec. 65.** A new section is added to chapter 43.23 RCW to read as follows:

Except as otherwise specified by law, in the event a check or negotiable instrument as defined by RCW 62A.3-104 is dishonored by nonacceptance or nonpayment, the department is entitled to collect a reasonable handling fee for each instrument. If the check or instrument is not paid within fifteen days and proper notice is sent, the department is authorized to recover the assessment, the handling fee, and any other charges allowed by RCW 62A.3-515.

**Sec. 66.** RCW 15.58.070 and 1994 c 46 s 1 are each amended to read as follows:

(1) Except as provided in subsection (~~((2))~~) (4) of this section, any person desiring to register a pesticide with the department shall pay to the director an annual registration fee for each pesticide registered by the department for such person. The registration fee for the registration of pesticides for any one person during a calendar year shall be: One hundred five dollars for each of the first twenty-five pesticides registered; one hundred dollars for each of the twenty-sixth through one-hundredth pesticides registered; seventy-five dollars for each of the one hundred first through one hundred fiftieth pesticides registered; and fifty

dollars for each additional pesticide registered. In addition, the department may establish by rule a registration fee not to exceed ten dollars for each registered product labeled and intended for home and garden use only.

(2) The revenue generated by the pesticide registration fees shall be deposited in the agricultural local fund to support the activities of the pesticide program within the department. The revenue generated by the home and garden use only fees shall be deposited in the agriculture—local fund, to be used to assist in funding activities of the pesticide incident reporting and tracking review panel.

(3) All pesticide registrations expire on December 31st of each year. A registrant may elect to register a pesticide for a two-year period by prepaying for a second year at the time of registration.

~~((2))~~ (4) A person desiring to register a label where a special local need exists shall pay to the director a nonrefundable application fee of two hundred dollars upon submission of the registration request. In addition, a person desiring to renew an approved special local need registration shall pay to the director an annual registration fee of two hundred dollars for each special local needs label registered by the department for such person. The revenue generated by the special local needs application fees and the special local needs renewal fees shall be deposited in the agricultural local fund to be used to assist in funding the department's special local needs registration activities. All special local needs registrations expire on December 31st of each year.

~~((3))~~ (5) Any registration approved by the director and in effect on the 31st day of December for which a renewal application has been made and the proper fee paid, continues in full force and effect until the director notifies the applicant that the registration has been renewed, or otherwise denied in accord with the provision of RCW 15.58.110.

NEW SECTION. Sec. 67. A new section is added to chapter 15.58 RCW to read as follows:

All license fees collected under this chapter shall be paid to the director for use exclusively in the enforcement of this chapter.

NEW SECTION. Sec. 68. RCW 15.58.410 and 1971 ex.s. c 190 s 41 are each repealed.

Sec. 69. RCW 16.24.130 and 1975 1st ex.s. c 7 s 16 are each amended to read as follows:

The brand inspector shall cause to be published once in a newspaper published in the county where the animal was found, a notice of the impounding.

The notice shall state:

(1) A description of the animal, including brand, tattoo or other identifying characteristics;

(2) When and where found;

(3) Where impounded; and

(4) That if unclaimed, the animal will be sold at a public livestock market sale or other public sale, and the date of such sale: PROVIDED, That if no newspaper shall be published in such county, copies of the notice shall be posted at four commonly frequented places therein.

If the animal is marked with a brand or tattoo which is registered with the director of agriculture, the brand inspector, on or before the date of publication or posting, shall send a copy of the notice to the owner of record by registered mail.

**Sec. 70.** RCW 16.24.150 and 1975 1st ex.s. c 7 s 17 are each amended to read as follows:

If no person shall claim the animal within ten days after the date of publication or posting of the notice, it shall be sold at the next succeeding public livestock market sale to be held at the sales yard where impounded, provided that in the director's discretion the department of agriculture may otherwise cause the animal to be sold at public sale.

The legislature intends this to be a clarification of existing law; therefore, this section shall have retroactive effect as of December 1, 1994.

**Sec. 71.** RCW 15.76.140 and 1965 ex.s. c 32 s 1 are each amended to read as follows:

(1) Before any agricultural fair may become eligible for state allocations it must have conducted two successful consecutive annual fairs immediately preceding application for such allocations, and have its application therefor approved by the director.

(2) Beginning January 1, 1994, and until June 30, 1997, the director may waive this requirement for an agricultural fair that through itself or its predecessor sponsoring organization has successfully operated at least two years as a county fair, has received a funding allocation as a county fair under this act for those two years, and that reorganizes as an area fair.

**NEW SECTION. Sec. 72.** The legislature finds that in Washington, the loss of state lands from productive use due to infestation by noxious weeds is a major public concern.

It is the intent of the legislature that serious and fundamental policy direction be given to state agencies to:

(1) Ensure that state lands set an example of excellence in noxious weed control and eradication on state lands;

(2) Halt the spread of noxious weeds from state to private lands;

(3) Recognize that state agencies are ultimately responsible for noxious weed control on state land, regardless of type, timing, or amount of use;

(4) Recognize that the public is not well served by the spread of noxious weeds on state lands, in part, because of the decrease in wildlife habitat and loss of land productivity.

The legislature further finds that biological control agents represent one of the only cost-effective control measures for existing, widespread noxious weed



infestations. Members of the genus *Centaurea*, commonly referred to as knapweeds, currently infest and destroy the productivity of hundreds of thousands of acres in Washington.

**NEW SECTION.** Sec. 73. The state noxious weed control board shall develop a study to determine the cost of controlling weeds on state-owned or managed lands, included along state-owned rights of way. The board may conduct the study, or may contract with either public or private agencies to conduct and complete the study. The departments of natural resources, transportation, and fish and wildlife, and the parks and recreation commission shall cooperate with the weed board or the contractor in the study.

As part of the study, the state noxious weed control board shall identify those weed species that are practical to control and should be controlled. The board shall also identify the impacts and estimate the costs of not controlling these weeds. The board may exclude from the study those weeds that, due to high cost or impracticality, cannot be controlled on private lands. The board shall develop a prioritized list of weeds that are practical to control and that should be controlled on state-owned and managed lands.

**NEW SECTION.** Sec. 74. The state noxious weed control board shall study alternative funding mechanisms for Washington's noxious weed control program. The departments of natural resources, transportation, and fish and wildlife, and the parks and recreation commission shall cooperate with the weed board in the study. As part of the study, the state noxious weed control board shall identify the impacts and costs of each alternative. Funding alternatives shall address weed control needs of private citizens, local governments, county weed boards, state agencies, the state noxious weed control board, and federal agencies.

**NEW SECTION.** Sec. 75. A new section is added to chapter 17.10 RCW to read as follows:

All state agencies shall control noxious weeds on lands they own, lease, or otherwise control. Agencies shall develop plans to control noxious weeds in accordance with standards in this chapter. All state agencies' lands must comply with this chapter, regardless of noxious weed control efforts on adjacent lands. County noxious weed control boards shall assist landowners to meet and exceed the standards on state lands.

**NEW SECTION.** Sec. 76. (1) The standing committee on agriculture and agricultural trade and development of the senate and the standing committee on agriculture and ecology of the house of representatives shall jointly study land leasing practices of state agencies in regard to weed control and report their findings to the legislature in 1996.

(2) State agencies shall list noxious weed control projects in their respective jurisdictions in order of priority, along with their plans to control these infestations, and shall submit the lists and plans to the legislative committees

identified in subsection (1) of this section before the beginning of the 1996 regular session of the legislature.

**Sec. 77.** RCW 17.10.240 and 1987 c 438 s 31 are each amended to read as follows:

The activated county noxious weed control board of each county shall annually submit a budget to the county legislative authority for the operating cost of the county's weed program for the ensuing fiscal year: PROVIDED, That if the board finds the budget approved by the legislative authority is insufficient for an effective county noxious weed control program it shall petition the county legislative authority to hold a hearing as provided in RCW 17.10.890. Control of weeds is a special benefit to the lands within any such section. Funding for the budget shall be derived from ~~((either or both))~~ any or all of the following:

(1) The county legislative authority may, in lieu of a tax, levy an assessment against the land for this purpose. Prior to the levying of an assessment the county noxious weed control board shall hold a public hearing at which it shall gather information to serve as a basis for classification and shall then classify the lands into suitable classifications, including but not limited to dry lands, range lands, irrigated lands, nonuse lands, forest lands, or federal lands. The board shall develop and forward to the county legislative authority, as a proposed level of assessment for each class, such an amount as shall seem just. The assessment rate shall be either uniform per acre in its respective class or a flat rate per parcel rate plus a uniform rate per acre: PROVIDED, That if no special benefits should be found to accrue to a class of land, a zero assessment may be levied. The legislative authority, upon receipt of the proposed levels of assessment from the board, after a hearing, shall accept, modify, or refer back to the board for its reconsideration all or any portion of the proposed levels of assessment. The findings by the county legislative authority of such special benefits, when so declared by resolution and spread upon the minutes of said authority shall be conclusive as to whether or not the same constitutes a special benefit to the lands within the section. The amount of such assessment shall constitute a lien against the property. The county legislative authority may by resolution or ordinance require that notice of the lien be sent to each owner of property for which the assessment has not been paid by the date it was due and that each such lien created shall be collected by the treasurer in the same manner as delinquent real property tax, if within thirty days from the date the owner is sent notice of the lien, including the amount thereof, the lien remains unpaid and an appeal has not been made pursuant to RCW 17.10.180. Liens treated as delinquent taxes shall bear interest at the rate of twelve percent per annum and such interest shall accrue as of the date notice of the lien is sent to the owner: PROVIDED FURTHER, That any collections for such lien shall not be considered as tax; or

(2) The county legislative authority may appropriate money from the county general fund necessary for the administration of the county noxious weed control program. In addition the county legislative authority may make emergency appropriations as it deems necessary for the implementation of this chapter.

(3) Forest lands used solely for the planting, growing, or harvesting of trees and which are typified, except during a single period of five years following clear-cut logging, by canopies so dense as to prohibit growth of an understory may be subject to an annual noxious weed assessment levied by a county legislative authority that shall not exceed one-tenth of the weighted average per acre noxious weed assessment levied on all other lands in unincorporated areas within the county that are subject to the weed assessment. This assessment shall be computed in accordance with the formula in subsection (4) of this section.

(4) The calculation of the "weighted average per acre noxious weed assessment" shall be a ratio expressed as follows: (a) The numerator shall be the total amount of funds estimated to be collected from the per acre assessment on all lands except (i) forest lands as identified in subsection (3) of this section, (ii) lands exempt from the noxious weed assessment, and (iii) lands located in an incorporated area. (b) The denominator shall be the total acreage from which funds in (a) of this subsection are collected. For lands of less than one acre in size, the denominator calculation may be based on the following assumptions: (i) Unimproved lands shall be calculated as being one-half acre in size on the average, and (ii) improved lands shall be calculated as being one-third acre in size on the average. The county legislative authority may choose to calculate the denominator for lands of less than one acre in size using other assumptions about average parcel size based on local information.

(5) For those counties that levy a per parcel assessment to help fund noxious weed control programs, the per parcel assessment on forest lands as defined in subsection (3) of this section shall not exceed one-tenth of the per parcel assessment on nonforest lands.

**NEW SECTION. Sec. 78.** The sum of thirty thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1997, to Washington State University for the use of the cooperative extension service in the selection, testing, and production of biological control agents for knapweed species on the state noxious weed list adopted under RCW 17.10.080, with the intent of improving field availability of these agents.

**NEW SECTION. Sec. 79.** The sum of twenty thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1997, to the state noxious weed control board to study, or contract for a study, on the cost of controlling weeds on state-owned or managed lands.

**NEW SECTION. Sec. 80.** Sections 8 through 19 of this act shall constitute a new chapter in Title 69 RCW.

**NEW SECTION. Sec. 81.** Sections 1 through 47, 50 through 53, and 59 through 68 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 30, 1995.

**NEW SECTION. Sec. 82.** Sections 69, 70, and 72 through 79 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 April 21, 1995.

Passed the House April 20, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 375

[Second Substitute Senate Bill 5387]

### TAXATION OF NEW AND REHABILITATED MULTIPLE-UNIT DWELLINGS IN URBAN CENTERS

AN ACT Relating to taxation of new and rehabilitated multiple-unit housing in urban centers; and adding a new chapter to Title 84 RCW.

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

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

(1) That in many of Washington's urban centers there is insufficient availability of desirable and convenient residential units to meet the needs of a growing number of the public who would live in these urban centers if these desirable, convenient, attractive, and livable places to live were available;

(2) That the development of additional and desirable residential units in these urban centers that will attract and maintain a significant increase in the number of permanent residents in these areas will help to alleviate the detrimental conditions and social liability that tend to exist in the absence of a viable residential population and will help to achieve the planning goals mandated by the growth management act under RCW 36.70A.020; and

(3) That planning solutions to solve the problems of urban sprawl often lack incentive and implementation techniques needed to encourage residential redevelopment in those urban centers lacking sufficient residential opportunities, and it is in the public interest and will benefit, provide, and promote the public health, safety, and welfare to stimulate new or enhanced residential opportunities within urban centers through a tax incentive as provided by this chapter.

**NEW SECTION. Sec. 2.** It is the purpose of this chapter to encourage increased residential opportunities in cities that are required to plan or choose to plan under the growth management act within urban centers where the legislative body of the affected city has found there is insufficient housing opportunities. It is further the purpose of this chapter to stimulate the construction of new multifamily housing and the rehabilitation of existing vacant and underutilized buildings for multifamily housing in urban centers having insufficient housing opportunities that will increase and improve residential opportunities within these urban centers. To achieve these purposes, this chapter provides for special

valuations for eligible improvements associated with multiunit housing in residentially deficient urban centers.

**NEW SECTION. Sec. 3.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "City" means a city or town with a population of at least one hundred fifty thousand located in a county planning under the growth management act.

(2) "Governing authority" means the local legislative authority of a city having jurisdiction over the property for which an exemption may be applied for under this chapter.

(3) "Growth management act" means chapter 36.70A RCW.

(4) "Multiple-unit housing" means a building having four or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from new construction or rehabilitated or conversion of vacant, underutilized, or substandard buildings to multifamily housing.

(5) "Owner" means the property owner of record.

(6) "Permanent residential occupancy" means multiunit housing that provides either rental or owner occupancy on a nontransient basis. This includes owner-occupied or rental accommodation that is leased for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

(7) "Rehabilitation improvements" means modifications to existing structures, that are vacant for twelve months or longer, that are made to achieve a condition of substantial compliance with existing building codes or modification to existing occupied structures which increase the number of multifamily housing units.

(8) "Residential targeted area" means an area within an urban center that has been designated by the governing authority as a residential targeted area in accordance with this chapter.

(9) "Substantial compliance" means compliance with local building or housing code requirements that are typically required for rehabilitation as opposed to new construction.

(10) "Urban center" means a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain:

(a) Several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies;

(b) Adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and

(c) A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both, use.

***\*NEW SECTION. Sec. 4. The provisions of this chapter relating to special valuation apply only to locally designated residential targeted areas of those cities planning under the growth management act.***

**\*Sec. 4 was vetoed. See message at end of chapter.**

**NEW SECTION. Sec. 5.** (1) The value of new housing construction, conversion, and rehabilitation improvements qualifying under this chapter is exempt from ad valorem property taxation, for ten successive years beginning January 1 of the year immediately following the calendar year after issuance of the certificate of tax exemption eligibility. However, the exemption does not include the value of land or nonhousing-related improvements not qualifying under this chapter.

(2) In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to the submission of the application required under this chapter. The incentive provided by this chapter is in addition to any other incentives, tax credits, grants, or other incentives provided by law.

(3) This chapter does not apply to increases in assessed valuation made by the assessor on nonqualifying portions of building and value of land nor to increases made by lawful order of a county board of equalization, the department of revenue, or a county, to a class of property throughout the county or specific area of the county to achieve the uniformity of assessment or appraisal required by law.

**NEW SECTION. Sec. 6.** An owner of property making application under this chapter must meet the following requirements:

(1) The new or rehabilitated multiple-unit housing must be located in a residential targeted area as designated by the city;

(2) The multiple-unit housing must meet the guidelines as adopted by the governing authority that may include height, density, public benefit features, number and size of proposed development, parking, and other adopted requirements indicated necessary by the city. The required amenities should be relative to the size of the project and tax benefit to be obtained;

(3) The new, converted, or rehabilitated multiple-unit housing must provide for a minimum of fifty percent of the space for permanent residential occupancy. In the case of existing occupied multifamily development, the multifamily housing must also provide for a minimum of four additional multifamily units. Existing multifamily vacant housing that has been vacant for twelve months or more does not have to provide additional multifamily units;

(4) New construction multifamily housing and rehabilitation improvements must be completed within three years from the date of approval of the application;

(5) Property proposed to be rehabilitated must be vacant at least twelve months before submitting an application and fail to comply with one or more

standards of the applicable state or local building or housing codes on or after the effective date of this section; and

(6) The applicant must enter into a contract with the city approved by the governing body under which the applicant has agreed to the implementation of the development on terms and conditions satisfactory to the governing authority.

**NEW SECTION. Sec. 7.** (1) The following criteria must be met before an area may be designated as a residential targeted area:

(a) The area must be within an urban center, as determined by the governing authority;

(b) The area must lack, as determined by the governing authority, sufficient available, desirable, and convenient residential housing to meet the needs of the public who would be likely to live in the urban center, if the desirable, attractive, and livable places to live were available; and

(c) The providing of additional housing opportunity in the area, as determined by the governing authority, will assist in achieving one or more of the stated purposes of this chapter.

(2) For the purpose of designating a residential targeted area or areas, the governing authority may adopt a resolution of intention to so designate an area as generally described in the resolution. The resolution must state the time and place of a hearing to be held by the governing authority to consider the designation of the area and may include such other information pertaining to the designation of the area as the governing authority determines to be appropriate to apprise the public of the action intended.

(3) The governing authority shall give notice of a hearing held under this chapter by publication of the notice once each week for two consecutive weeks, not less than seven days, nor more than thirty days before the date of the hearing in a paper having a general circulation in the city where the proposed residential targeted area is located. The notice must state the time, date, place, and purpose of the hearing and generally identify the area proposed to be designated as a residential targeted area.

(4) Following the hearing, or a continuance of the hearing, the governing authority may designate all or a portion of the area described in the resolution of intent as a residential targeted area if it finds, in its sole discretion, that the criteria in subsections (1) through (3) of this section have been met.

(5) After designation of a residential targeted area, the governing authority shall adopt standards and guidelines to be utilized in considering applications and making the determinations required under section 9 of this act. The standards and guidelines must establish basic requirements for both new construction and rehabilitation including application process and procedures. These guidelines may include the following:

(a) Requirements that address demolition of existing structures and site utilization; and

(b) Building requirements that may include elements addressing parking, height, density, environmental impact, and compatibility with the existing

surrounding property and such other amenities as will attract and keep permanent residents and that will properly enhance the livability of the residential targeted area in which they are to be located.

**NEW SECTION.** Sec. 8. An owner of property seeking tax incentives under this chapter must complete the following procedures:

(1) In the case of rehabilitation or where demolition or new construction is required, the owner shall secure from the governing authority or duly authorized agent, before commencement of rehabilitation improvements or new construction, verification of property noncompliance with applicable building and housing codes;

(2) In the case of new and rehabilitated multifamily housing, the owner shall apply to the city on forms adopted by the governing authority. The application must contain the following:

(a) Information setting forth the grounds supporting the requested exemption including information indicated on the application form or in the guidelines;

(b) A description of the project and site plan, including the floor plan of units and other information requested;

(c) A statement that the applicant is aware of the potential tax liability involved when the property ceases to be eligible for the incentive provided under this chapter;

(3) The applicant must verify the application by oath or affirmation; and

(4) The application must be made on or before April 1 of each year, and must be accompanied by the application fee, if any, required under section 10 of this act. The governing authority may permit the applicant to revise an application before final action by the governing authority.

**NEW SECTION.** Sec. 9. The duly authorized administrative official or committee of the city may approve the application if it finds that:

(1) A minimum of four new units are being constructed or in the case of occupied rehabilitation or conversion a minimum of four additional multifamily units are being developed;

(2) The proposed project is or will be, at the time of completion, in conformance with all local plans and regulations that apply at the time the application is approved;

(3) The owner has complied with all standards and guidelines adopted by the city under this chapter; and

(4) The site is located in a residential targeted area of an urban center that has been designated by the governing authority in accordance with procedures and guidelines indicated in section 7 of this act.

**NEW SECTION.** Sec. 10. (1) The governing authority or an administrative official or commission authorized by the governing authority shall approve or deny an application filed under this chapter within ninety days after receipt of the application.



(2) If the application is approved, the city shall issue the owner of the property a conditional certificate of acceptance of tax exemption. The certificate must contain a statement by a duly authorized administrative official of the governing authority that the property has complied with the required findings indicated in section 8 of this act.

(3) If the application is denied by the authorized administrative official or commission authorized by the governing authority, the deciding administrative official or commission shall state in writing the reasons for denial and send the notice to the applicant at the applicant's last known address within ten days of the denial.

(4) Upon denial by a duly authorized administrative official or commission, an applicant may appeal the denial to the governing authority within thirty days after receipt of the denial. The appeal before the governing authority will be based upon the record made before the administrative official with the burden of proof on the applicant to show that there was no substantial evidence to support the administrative official's decision. The decision of the governing body in denying or approving the application is final.

**NEW SECTION. Sec. 11.** The governing authority may establish an application fee. This fee may not exceed an amount determined to be required to cover the cost to be incurred by the governing authority and the assessor in administering this chapter. The application fee must be paid at the time the application for limited exemption is filed. If the application is approved, the governing authority shall pay the application fee to the county assessor for deposit in the county current expense fund, after first deducting that portion of the fee attributable to its own administrative costs in processing the application. If the application is denied, the governing authority may retain that portion of the application fee attributable to its own administrative costs and refund the balance to the applicant.

**NEW SECTION. Sec. 12.** (1) Upon completion of rehabilitation or new construction for which an application for limited exemption under this chapter has been approved and after issuance of the certificate of occupancy, the owner shall file with the city the following:

(a) A statement of the amount of rehabilitation or construction expenditures made with respect to each housing unit and the composite expenditures made in the rehabilitation or construction of the entire property;

(b) A description of the work that has been completed and a statement that the rehabilitation improvements or new construction on the owner's property qualify the property for limited exemption under this chapter; and

(c) A statement that the work has been completed within three years of the issuance of the conditional certificate of tax exemption.

(2) Within thirty days after receipt of the statements required under subsection (1) of this section, the authorized representative of the city shall determine whether the work completed is consistent with the application and the

contract approved by the governing authority and is qualified for limited exemption under this chapter. The city shall also determine which specific improvements completed meet the requirements and required findings.

(3) If the rehabilitation, conversion, or construction is completed within three years of the date the application for limited exemption is filed under this chapter, or within an authorized extension of this time limit, and the authorized representative of the city determines that improvements were constructed consistent with the application and other applicable requirements and the owner's property is qualified for limited exemption under this chapter, the city shall file the certificate of tax exemption with the county assessor within ten days of the expiration of the thirty-day period provided under subsection (2) of this section.

(4) The authorized representative of the city shall notify the applicant that a certificate of tax exemption is not going to be filed if the representative determines that:

(a) The rehabilitation or new construction was not completed within three years of the application date, or within any authorized extension of the time limit;

(b) The improvements were not constructed consistent with the application or other applicable requirements; or

(c) The owner's property is otherwise not qualified for limited exemption under this chapter.

(5) If the authorized representative of the city finds that construction or rehabilitation of multiple-unit housing was not completed within the required time period due to circumstances beyond the control of the owner and that the owner has been acting and could reasonably be expected to act in good faith and with due diligence, the governing authority or the city official authorized by the governing authority may extend the deadline for completion of construction or rehabilitation for a period not to exceed twenty-four consecutive months.

(6) The governing authority may provide by ordinance for an appeal of a decision by the deciding officer or authority that an owner is not entitled to a certificate of tax exemption to the governing authority, a hearing examiner, or other city officer authorized by the governing authority to hear the appeal in accordance with such reasonable procedures and time periods as provided by ordinance of the governing authority. The owner may appeal a decision by the deciding officer or authority that is not subject to local appeal or a decision by the local appeal authority that the owner is not entitled to a certificate of tax exemption in superior court under RCW 34.05.510 through 34.05.598, if the appeal is filed within thirty days of notification by the city to the owner of the decision being challenged.

**NEW SECTION.** Sec. 13. Thirty days after the anniversary of the date of the certificate of tax exemption and each year for a period of ten years, the owner of the rehabilitated or newly constructed property shall file with a designated agent of the city an annual report indicating the following:

(1) A statement of occupancy and vacancy of the rehabilitated or newly constructed property during the twelve months ending with the anniversary date;

(2) A certification by the owner that the property has not changed use since the date of the certificate approved by the city; and

(3) A description of changes or improvements constructed after issuance of the certificate of tax exemption.

**NEW SECTION. Sec. 14.** (1) If improvements have been exempted under this chapter, the improvements continue to be exempted and not be converted to another use for at least ten years from date of issuance of the certificate of tax exemption. If the owner intends to convert the multifamily development to another use, the owner shall notify the assessor within sixty days of the change in use. If, after a certificate of tax exemption has been filed with the county assessor the city or assessor or agent discovers that a portion of the property is changed or will be changed to a use that is other than residential or that housing or amenities no longer meet the requirements as previously approved or agreed upon by contract between the governing authority and the owner and that the multifamily housing, or a portion of the housing, no longer qualifies for the exemption, the tax exemption must be canceled and the following must occur:

(a) Additional real property tax must be imposed upon the value of the nonqualifying improvements in the amount that would normally be imposed, plus a penalty must be imposed amounting to twenty percent. This additional tax is calculated based upon the difference between the property tax paid and the property tax that would have been paid if it had included the value of the nonqualifying improvements dated back to the date that the improvements were converted to a nonmultifamily use;

(b) The tax must include interest upon the amounts of the additional tax 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 improvements had been assessed at a value without regard to this chapter; and

(c) The additional tax owed together with interest and penalty must become a lien on the land and attach at the time the property or portion of the property is removed from multifamily use or the amenities no longer meet applicable requirements, and has priority to and must be fully paid and satisfied before a 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. An additional tax unpaid on its due date is delinquent. From the date of delinquency until paid, interest must be charged at the same rate applied by law to delinquent ad valorem property taxes.

(2) Upon a determination that a tax exemption is to be canceled for a reason stated in this section, the governing authority shall notify the record owner of the property as shown by the tax rolls by mail, return receipt requested, of the determination to cancel the exemption. The owner may appeal the determination

to the governing authority within thirty days by filing a notice of appeal with the clerk of the governing authority, which notice must specify the factual and legal basis on which the determination of cancellation is alleged to be erroneous. The governing authority or a hearing examiner or other official authorized by the governing authority may hear the appeal. At the hearing, all affected parties may be heard and all competent evidence received. After the hearing, the deciding body or officer shall either affirm, modify, or repeal the decision of cancellation of exemption based on the evidence received. An aggrieved party may appeal the decision of the deciding body or officer to the superior court under RCW 34.05.510 through 34.05.598.

(3) Upon determination by the governing authority or authorized representative to terminate an exemption, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under RCW 84.40.080. The county assessor shall make such a valuation of the property and improvements as is necessary to permit the correction of the rolls. The owner may appeal the valuation to the county board of equalization under chapter 84.48 RCW. If there has been a failure to comply with this chapter, the property must be listed as an omitted assessment for assessment years beginning January 1 of the calendar year in which the noncompliance first occurred, but the listing as an omitted assessment may not be for a period more than three calendar years preceding the year in which the failure to comply was discovered.

**NEW SECTION. Sec. 15.** 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. 16.** Sections 1 through 15 of this act shall constitute a new chapter in Title 84 RCW.

Passed the Senate April 19, 1995.

Passed the House April 13, 1995.

Approved by the Governor May 16, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 16, 1995.

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

"I am returning herewith, without my approval as to section 4, Second Substitute Senate Bill No. 5387 entitled:

"AN ACT Relating to taxation of new and rehabilitated multiple-unit housing in urban centers;"

Second Substitute Senate Bill No. 5387 represents an attempt to increase the availability of residential housing in urban areas.

I have concerns with this bill. No provision is included to prevent the erosion of low-income housing as property owners seek the benefit of the special valuation and build new housing or renovate existing housing stocks. Neither is any attempt made to mitigate the impact on low-income tenants who must relocate if their current residence is renovated.

It is clearly the intent of the legislature to provide local governments flexibility in determining specific building requirements to address the public interest in a number of areas related to real estate use and urban development. It is hard to imagine, given the history of the discussions which led to this legislation, that the legislature intended to ignore the pressing need to maintain the state's supply of low-income housing. In signing this bill, it is my expectation that local jurisdictions ensure that the amount of low-income housing is not eroded and that low-income tenants do not bear the burden of relocating when a property owner enjoys the benefit of the special valuation created by this law.

Section 4 of Second Substitute Senate Bill No. 5387 restates limitations contained in separate sections of the bill. Section 4 limits the use of the special valuations authorized under the act to applicants within locally designated residential targeted areas of cities planning under the Growth Management Act. Section 3(1) limits the definition of a city to a city or town of 150,000 population planning under the Growth Management Act. Section 6(1) requires applicants for the special valuation to be located in a residential targeted area designated by a city. Because the limitations in section 4 are addressed elsewhere, this provision is unnecessary.

For this reason, I have vetoed section 4 of Second Substitute Senate Bill No. 5387.

With the exception of section 4, Second Substitute Senate Bill No. 5387 is approved."

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## CHAPTER 376

[Engrossed Second Substitute Senate Bill 5448]

### PUBLIC WATER SYSTEMS REGULATION

AN ACT Relating to public water systems; amending RCW 70.116.060, 70.119A.060, 70.119.020, 70.119.030, 70.116.050, 70.119A.040, 70.119A.130, 43.155.050, 70.116.070, 56.08.200, and 57.08.180; reenacting and amending RCW 80.04.110; adding new sections to chapter 70.119A RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

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

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

(1) Protection of the state's water resources, and utilization of such resources for provision of public water supplies, requires more efficient and effective management than is currently provided under state law;

(2) The provision of public water supplies to the people of the state should be undertaken in a manner that is consistent with the planning principles of the growth management act and the comprehensive plans adopted by local governments under the growth management act;

(3) Small water systems have inherent difficulties with proper planning, operation, financing, management and maintenance. The ability of such systems to provide safe and reliable supplies to their customers on a long-term basis needs to be assured through proper management and training of operators;

(4) New water quality standards and operational requirements for public water systems will soon generate higher rates for the customers of those systems, which may be difficult for customers to afford to pay. It is in the best interest of the people of this state that small systems maintain themselves in a financially viable condition;

(5) The drinking water 2000 task force has recommended maintaining a strong and properly funded state-wide drinking water program, retaining primary

responsibility for administering the federal safe drinking water act in Washington. The task force has further recommended delegation of as many water system regulatory functions as possible to local governments, with provision of adequate resources and elimination of barriers to such delegation. In order to achieve these objectives, the state shall provide adequate funding from both general state funds and funding directly from the regulated water system;

(6) The public health services improvement plan recommends that the principal public health functions in Washington, including regulation of public water systems, should be fully funded by state revenues and undertaken by local jurisdictions with the capacity to perform them; and

(7) State government, local governments, water suppliers, and other interested parties should work for continuing economic growth of the state by maximizing the use of existing water supply management alternatives, including regional water systems, satellite management, and coordinated water system development.

Sec. 2. RCW 70.116.060 and 1977 ex.s. c 142 s 6 are each amended to read as follows:

(1) A coordinated water system plan shall be submitted to the secretary for design approval within two years of the establishment of the boundaries of a critical water supply service area.

(2) The secretary shall review the coordinated water system plan and, to the extent the plan is consistent with the requirements of this chapter and regulations adopted hereunder, shall approve the plan, provided that the secretary shall not approve those portions of a coordinated water system plan ((which)) that fail to meet the requirements for future service area boundaries until any boundary dispute is resolved as set forth in RCW 70.116.070.

(3) Following the approval of a coordinated water system plan by the secretary:

(a) All purveyors constructing or proposing to construct public water system facilities within the area covered by the plan shall comply with the plan.

(b) No other purveyor shall establish a public water system within the area covered by the plan, unless the ((secretary)) local legislative authority determines that existing purveyors are unable to provide the service in a timely and reasonable manner, pursuant to guidelines developed by the secretary. An existing purveyor is unable to provide the service in a timely manner if the water cannot be provided to an applicant for water within one hundred twenty days unless specified otherwise by the local legislative authority. If such a determination is made, the ((secretary may)) local legislative authority shall require the new public water system to be constructed in accordance with the construction standards and specifications embodied in the coordinated water system plan approved for the area. The service area boundaries in the coordinated plan for the affected utilities shall be revised to reflect the decision of the local legislative authority.

(4) The secretary may deny proposals to establish or to expand any public water system within a critical water supply service area for which there is not an approved coordinated water system plan at any time after two years of the establishment of the critical water supply service area: PROVIDED, That service connections shall not be considered expansions.

(5) The affected legislative authorities may develop and utilize a mechanism for addressing disputes that arise in the implementation of the coordinated water system plan after the plan has been approved by the secretary.

(6) After adoption of the initial coordinated water system plan, the local legislative authority or the secretary may determine that the plan should be updated or revised. The legislative authority may initiate an update at any time, but the secretary may initiate an update no more frequently than once every five years. The update may encompass all or a portion of the plan, with the scope of the update to be determined by the secretary and the legislative authority. The process for the update shall be the one prescribed in RCW 70.116.050.

(7) The provisions of subsection (3) of this section shall not apply in any county for which a coordinated water system plan has not been approved under subsection (2) of this section.

(8) If the secretary initiates an update or revision of a coordinated water system plan, the state shall pay for the cost of updating or revising the plan.

**Sec. 3.** RCW 70.119A.060 and 1991 c 304 s 4 are each amended to read as follows:

(1) In order to assure safe and reliable public drinking water and to protect the public health, public water systems shall:

- (a) Protect the water sources used for drinking water;
- (b) Provide treatment adequate to assure that the public health is protected;
- (c) Provide and effectively operate and maintain public water system facilities;
- (d) Plan for future growth and assure the availability of safe and reliable drinking water;
- (e) Provide the department with the current names, addresses, and telephone numbers of the owners, operators, and emergency contact persons for the system, including any changes to this information, and provide to users the name and twenty-four hour telephone number of an emergency contact person; and

(f) Take whatever investigative or corrective action is necessary to assure that a safe and reliable drinking water supply is continuously available to users.

(2) No new public water system may be approved or created unless: (a) It is owned or operated by a satellite system management agency established under RCW 70.116.134 and the satellite system management system complies with financial viability requirements of the department; or (b) a satellite management system is not available and it is determined that the new system has sufficient management and financial resources to provide safe and reliable service. The approval of any new system that is not owned by a satellite system management agency shall be conditioned upon future management or ownership by a satellite

system management agency, if such management or ownership can be made with reasonable economy and efficiency, or upon periodic review of the system's operational history to determine its ability to meet the department's financial viability and other operating requirements. The department and local health jurisdictions shall enforce this requirement under authority provided under this chapter, chapter 70.116, or 70.05 RCW, or other authority governing the approval of new water systems by the department or a local jurisdiction.

(3) The department and local health jurisdictions shall carry out the rules and regulations of the state board of health adopted pursuant to RCW 43.20.050(2)(a) and other rules adopted by the department relating to public water systems.

NEW SECTION. Sec. 4. A new section is added to chapter 70.119A RCW to read as follows:

The department shall create a water supply advisory committee. Membership on the committee shall reflect a broad range of interests in the regulation of public water supplies, including water utilities of all sizes, local governments, business groups, special purpose districts, local health jurisdictions, other state and federal agencies, financial institutions, environmental organizations, the legislature, and other groups substantially affected by the department's role in implementing state and federal requirements for public water systems. Members shall be appointed for fixed terms of no less than two years, and may be reappointed. Any members of an existing advisory committee to the drinking water program may remain as members of the water supply advisory committee. The committee shall provide advice to the department on the organization, functions, service delivery methods, and funding of the drinking water program. The committee shall also review the adequacy and necessity of the current and prospective funding for the drinking water program, and the results of the committees' review shall be forwarded to the department for inclusion in a report to the appropriate standing committees of the legislature no later than November 1, 1996. The report shall include a discussion of the extent to which the drinking water program has progressed toward achieving the objectives of the public health improvement plan, and an assessment of any changes to the program necessitated by modifications to the federal safe drinking water act.

*\*Sec. 5. RCW 70.119.020 and 1991 c 305 s 2 are each amended to read as follows:*

*As used in this chapter unless context requires another meaning:*

*(1) "Board" means the board established pursuant to RCW 70.95B.070 which shall be known as the water and waste water operator certification board of examiners.*

*(2) "Certificate" means a certificate of competency issued by the secretary stating that the operator has met the requirements for the specified operator classification of the certification program.*



(3) *"Certified operator" means an individual holding a valid certificate and employed or appointed by any county, water district, municipality, public or private corporation, company, institution, person, or the state of Washington and who is designated by the employing or appointing officials as the person responsible for active daily technical operation.*

(4) *"Department" means the department of health.*

(5) *"Distribution system" means that portion of a public water system which stores, transmits, pumps and distributes water to consumers.*

(6) *"Ground water under the direct influence of surface water" means any water beneath the surface of the ground with:*

(a) *Significant occurrence of insects or other macroorganisms, algae, or large diameter pathogens such as giardia lamblia; or*

(b) *Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.*

(7) *"Group A water system" means a system with fifteen or more service connections, regardless of the number of people; or a system serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections. Group A water system does not include a system serving fewer than fifteen single-family residences, regardless of the number of people.*

(8) *"Group B water system" means a system with more than four service connections but less than fifteen service connections and serving either: (a) An average of less than twenty-five people per day for sixty or more days within a calendar year; or (b) any number of people for less than sixty days within a calendar year.*

(9) *"Nationally recognized association of certification authorities" shall mean an organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and waste water facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.*

~~((9))~~ (10) *"Public water system" means any system, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm, providing piped water for human consumption or domestic use, including any collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with the system; and collection or pretreatment storage facilities not under control of the purveyor but primarily used in connection with the system.*

~~((10))~~ (11) *"Purification plant" means that portion of a public water system which treats or improves the physical, chemical or bacteriological*

*quality of the system's water to bring the water into compliance with state board of health standards.*

~~((11))~~ (12) "Secretary" means the secretary of the department of health.

~~((12))~~ (13) "Service" means a connection to a public water system designed to serve a single-family residence, dwelling unit, or equivalent use. If the facility has group home or barracks-type accommodations, three persons will be considered equivalent to one service.

~~((12))~~ (14) "Surface water" means all water open to the atmosphere and subject to surface runoff.

\*Sec. 5 was vetoed. See message at end of chapter.

Sec. 6. RCW 70.119.030 and 1991 c 305 s 3 are each amended to read as follows:

(1) A public water system shall have a certified operator if:

(a) ~~((The system serves one hundred or more services in use at any one time))~~ It is a group A water system; or

(b) It is a ~~((group A))~~ public water system using a surface water source or a ground water source under the direct influence of surface water.

(2) The certified operators shall be in charge of the technical direction of a water system's operation, or an operating shift of such a system, or a major segment of a system necessary for monitoring or improving the quality of water. The operator shall be certified as provided in RCW 70.119.050.

(3) A certified operator may provide required services to more than one system or to a group of systems. The amount of time that a certified operator shall be required to be present at any given system shall be based upon the time required to properly operate and maintain the public water system as designed and constructed in accordance with RCW 43.20.050. The employing or appointing officials shall designate the position or positions requiring mandatory certification within their individual systems and shall assure that such certified operators are responsible for the system's technical operation.

(4) The department shall, in establishing by rule or otherwise the requirements for public water systems with fewer than one hundred connections, phase in such requirements in order to assure that (a) an adequate number of certified operators are available to serve the additional systems, (b) the systems have adequate notice and time to plan for securing the services of a certified operator, (c) the department has the additional data and other administrative capacity, (d) adequate training is available to certify additional operators as necessary, and (e) any additional requirements under federal law are satisfied. The department shall not require a certified operator for a system with fewer than one hundred connections unless that system is determined by the department to be in significant noncompliance with monitoring, or water quality standards which would put the public health at risk, as defined by the department by rule, or has, or is required to have, water treatment facilities other than simple disinfection.

(5) Any examination required by the department as a prerequisite for the issuance of a certificate under this chapter shall be offered in each region where the department has a regional office.

(6) Operators not required to be certified by this chapter are encouraged to become certified on a voluntary basis.

Sec. 7. RCW 70.116.050 and 1977 ex.s. c 142 s 5 are each amended to read as follows:

(1) Each purveyor within the boundaries of a critical water supply service area shall develop a water system plan for the purveyor's future service area if such a plan has not already been developed: PROVIDED, That nonmunicipally owned public water systems are exempt from the planning requirements of this chapter, except for the establishment of service area boundaries if they(~~(a) Were in existence as of September 21, 1977; and (b))~~) have no plans for water service beyond their existing service area(~~and (c) meet minimum quality and pressure design criteria established by the state board of health~~); PROVIDED FURTHER, That if the county legislative authority permits a change in development that will increase the demand for water service of such a system beyond the existing system's ability to provide minimum water service, the purveyor shall develop a water system plan in accordance with this section. The establishment of future service area boundaries shall be in accordance with RCW 70.116.070.

(2) After the boundaries of a critical water supply service area have been established pursuant to RCW 70.116.040, the committee established in RCW 70.116.040 shall participate in the development of a coordinated water system plan for the designated area. Such a plan shall incorporate all water system plans developed pursuant to subsection (1) of this section. The plan shall provide for maximum integration and coordination of public water system facilities consistent with the protection and enhancement of the public health and well-being. Decisions of the committee shall be by majority vote of those present at meetings of the committee.

(3) Those portions of a critical water supply service area not yet served by a public water system shall have a coordinated water system plan developed by existing purveyors based upon permitted densities in county plans, ordinances, and/or growth policies for a minimum of five years beyond the date of establishment of the boundaries of the critical water supply service area.

(4) To insure that the plan incorporates the proper designs to protect public health, the secretary shall adopt regulations pursuant to chapter 34.05 RCW concerning the scope and content of coordinated water system plans, and shall ensure, as minimum requirements, that such plans:

(a) Are reviewed by the appropriate local governmental agency to insure that the plan is not inconsistent with the land use plans, shoreline master programs, and/or developmental policies of the general purpose local government or governments whose jurisdiction the water system plan affects.

(b) Recognize all water resource plans, water quality plans, and water pollution control plans which have been adopted by units of local, regional, and state government.

(c) Incorporate the fire protection standards developed pursuant to RCW 70.116.080.

(d) Identify the future service area boundaries of the public water system or systems included in the plan within the critical water supply service area.

(e) Identify feasible emergency inter-ties between adjacent purveyors.

(f) Include satellite system management requirements consistent with RCW 70.116.134.

(g) Include policies and procedures that generally address failing water systems for which counties may become responsible under RCW 43.70.195.

(5) If a "water general plan" for a critical water supply service area or portion thereof has been prepared pursuant to chapter 36.94 RCW and such a plan meets the requirements of subsections (1) and (4) of this section, such a plan shall constitute the coordinated water system plan for the applicable geographical area.

(6) The committee established in RCW 70.116.040 may develop and utilize a mechanism for addressing disputes that arise in the development of the coordinated water system plan.

(7) Prior to the submission of a coordinated water system plan to the secretary for approval ((of the design of the proposed facilities)) pursuant to RCW 70.116.060, ((the plan shall be reviewed for consistency with subsection (4) of this section by)) the legislative authorities of the counties in which the critical water supply service area is located shall hold a public hearing thereon and shall determine the plan's consistency with subsection (4) of this section. If within sixty days of receipt of the plan, the legislative authorities find any segment of a proposed service area of a purveyor's plan or any segment of the coordinated water system plan to be inconsistent with any current land use plans, shoreline master programs, and/or developmental policies of the general purpose local government or governments whose jurisdiction the water system plan affects, the secretary shall not approve that portion of the plan until the inconsistency is resolved between the local government and the purveyor. If no comments have been received from the legislative authorities within sixty days of receipt of the plan, the secretary may consider the plan for approval.

(8) Any county legislative authority may adopt an abbreviated plan for the provision of water supplies within its boundaries that includes provisions for service area boundaries, minimum design criteria, and review process. The elements of the abbreviated plan shall conform to the criteria established by the department under subsection (4) of this section and shall otherwise be consistent with other adopted land use and resource plans. The county legislative authority may, in lieu of the committee required under RCW 70.116.040, and the procedures authorized in this section, utilize an advisory committee that is representative of the water utilities and local governments within its jurisdiction

to assist in the preparation of the abbreviated plan, which may be adopted by resolution and submitted to the secretary for approval. Purveyors within the boundaries covered by the abbreviated plan need not develop a water system plan, except to the extent required by the secretary or state board of health under other authority. Any abbreviated plan adopted by a county legislative authority pursuant to this subsection shall be subject to the same provisions contained in RCW 70.116.060 for coordinated water system plans that are approved by the secretary.

Sec. 8. RCW 70.119A.040 and 1993 c 305 s 2 are each amended to read as follows:

(1)(a) In addition to or as an alternative to any other penalty or action allowed by law, a person who violates a law or rule regulating public water systems and administered by the department of health is subject to a penalty of not more than five thousand dollars per day for every such violation, or, in the case of a violation that has been determined to be a public health emergency, a penalty of not more than ten thousand dollars per day for every such violation. Every such violation shall be a separate and distinct offense. The amount of fine shall reflect the health significance of the violation and the previous record of compliance on the part of the public water supplier. In case of continuing violation, every day's continuance shall be a separate and distinct violation.

(b) In addition, a person who constructs, modifies, or expands a public water system or who commences the construction, modification, or expansion of a public water system without first obtaining the required departmental approval is subject to penalties of not more than five thousand dollars per service connection, or, in the case of a system serving a transient population, a penalty of not more than four hundred dollars per person based on the highest average daily population the system serves or is anticipated to serve may be imposed. The total penalty that may be imposed pursuant to this subsection (1)(b) is five hundred thousand dollars. For the purpose of computing the penalty under this subsection, a service connection shall include any new service connection actually constructed, any anticipated service connection the system has been designed to serve, and, in the case of a system modification not involving expansions, each existing service connection that benefits or would benefit from the modification.

(c) Every person who, through an act of commission or omission, procures, aids, or abets a violation is considered to have violated the provisions of this section and is subject to the penalty provided in this section.

(2) The penalty provided for in this section shall be imposed by a notice in writing to the person against whom the civil penalty is assessed and shall describe the violation. The notice shall be personally served in the manner of service of a summons in a civil action or in a manner that shows proof of receipt. A penalty imposed by this section is due twenty-eight days after receipt of notice unless application for an adjudicative proceeding is filed as provided in subsection (3) of this section.

(3) Within twenty-eight days after notice is received, the person incurring the penalty may file an application for an adjudicative proceeding and may pursue subsequent review as provided in chapter 34.05 RCW and applicable rules of the department or board of health.

(4) A penalty imposed by a final administrative order is due upon service of the final administrative order. A person who fails to pay a penalty assessed by a final administrative order within thirty days of service of the final administrative order shall pay, in addition to the amount of the penalty, interest at the rate of one percent of the unpaid balance of the assessed penalty for each month or part of a month that the penalty remains unpaid, commencing with the month in which the notice of penalty was served and such reasonable attorney's fees as are incurred in securing the final administrative order.

(5) A person who institutes proceedings for judicial review of a final administrative order assessing a civil penalty under this chapter shall place the full amount of the penalty in an interest bearing account in the registry of the reviewing court. At the conclusion of the proceeding the court shall, as appropriate, enter a judgment on behalf of the department and order that the judgment be satisfied to the extent possible from moneys paid into the registry of the court or shall enter a judgment in favor of the person appealing the penalty assessment and order return of the moneys paid into the registry of the court together with accrued interest to the person appealing. The judgment may award reasonable attorney's fees for the cost of the attorney general's office in representing the department.

(6) If no appeal is taken from a final administrative order assessing a civil penalty under this chapter, the department may file a certified copy of the final administrative order with the clerk of the superior court in which the public water system is located or in Thurston county, and the clerk shall enter judgment in the name of the department and in the amount of the penalty assessed in the final administrative order.

(7) A judgment entered under subsection (5) or (6) of this section shall have the same force and effect as, and is subject to all of the provisions of law relating to, a judgment in a civil action, and may be enforced in the same manner as any other judgment of the court in which it is entered.

(8) All penalties imposed under this section shall be payable to the state treasury and credited to the ~~((general fund))~~ safe drinking water account, and shall be used by the department to provide training and technical assistance to system owners and operators.

(9) Except in cases of public health emergencies, the department may not impose monetary penalties under this section unless a prior effort has been made to resolve the violation informally.

Sec. 9. RCW 70.119A.130 and 1991 c 304 s 7 are each amended to read as follows:

~~((Until July 1, 1996, local governments shall be prohibited from administering a separate operating permit requirement for public water systems. After July~~

~~4, 1996,))~~ Local governments may establish separate operating permit requirements for public water systems provided the operating permit requirements have been approved by the department. The department shall not approve local operating permit requirements unless the local system will result in an increased level of service to the public water system. There shall not be duplicate operating permit requirements imposed by local governments and the department.

**NEW SECTION. Sec. 10.** A new section is added to chapter 70.119A RCW to read as follows:

A drinking water assistance account is created in the state treasury. The purpose of the account is to allow the state to take advantage of any federal funds that become available for safe drinking water. Expenditures from the account may only be made by the secretary or the public works board after appropriation. Moneys in the account may only be used to assist water systems to provide safe drinking water through a program administered through the department of health and the public works board. Money may be placed in the account from the proceeds of bonds when authorized by the legislature, transfers from other state funds or accounts, federal capitalization grants or other financial assistance, all repayments of moneys borrowed from the account, all interest payments made by borrowers from the account or otherwise earned on the account, or any other lawful source. Expenditures from the account may only be made by the secretary or the public works board after appropriation. Moneys in the account may only be used to assist local governments and water systems to provide safe and reliable drinking water and to administer the program.

**Sec. 11.** RCW 43.155.050 and 1993 sp.s. c 24 s 921 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. During the 1993-95 fiscal biennium, moneys in the public works assistance account may be appropriated for flood control assistance including grants under chapter 86.26 RCW. To the extent that moneys in the public works assistance account are not appropriated during the 1993-95 fiscal biennium for public works or flood control assistance, the legislature may direct their transfer to the state general fund. In awarding grants under chapter 86.26 RCW, the department of ecology shall give strong preference to local governments that have: (1) Implemented, or are in the process of implementing, an ordinance that establishes a flood plain policy that is substantially more stringent than minimum federal requirements; (2) completed a comprehensive flood control plan meeting the requirements of

RCW 86.12.200; or (3) constructed, or are in the process of constructing, a system of overtopping dikes or levees that allow public access.

**Sec. 12.** RCW 80.04.110 and 1991 c 134 s 1 and 1991 c 100 s 2 are each reenacted and amended to read as follows:

(1) Complaint may be made by the commission of its own motion or by any person or corporation, chamber of commerce, board of trade, or any commercial, mercantile, agricultural or manufacturing society, or any body politic or municipal corporation, or by the public counsel section of the office of the attorney general, or its successor, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public service corporation in violation, or claimed to be in violation, of any provision of law or of any order or rule of the commission: **PROVIDED**, That no complaint shall be entertained by the commission except upon its own motion, as to the reasonableness of the schedule of the rates or charges of any gas company, electrical company, water company, or telecommunications company, unless the same be signed by the mayor, council or commission of the city or town in which the company complained of is engaged in business, or not less than twenty-five consumers or purchasers of such gas, electricity, water or telecommunications service, or at least twenty-five percent of the consumers or purchasers of the company's service: **PROVIDED, FURTHER**, That when two or more public service corporations, (meaning to exclude municipal and other public corporations) are engaged in competition in any locality or localities in the state, either may make complaint against the other or others that the rates, charges, rules, regulations or practices of such other or others with or in respect to which the complainant is in competition, are unreasonable, unremunerative, discriminatory, illegal, unfair or intending or tending to oppress the complainant, to stifle competition, or to create or encourage the creation of monopoly, and upon such complaint or upon complaint of the commission upon its own motion, the commission shall have power, after notice and hearing as in other cases, to, by its order, subject to appeal as in other cases, correct the abuse complained of by establishing such uniform rates, charges, rules, regulations or practices in lieu of those complained of, to be observed by all of such competing public service corporations in the locality or localities specified as shall be found reasonable, remunerative, nondiscriminatory, legal, and fair or tending to prevent oppression or monopoly or to encourage competition, and upon any such hearing it shall be proper for the commission to take into consideration the rates, charges, rules, regulations and practices of the public service corporation or corporations complained of in any other locality or localities in the state.

(2) All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of complaints or grievances or misjoinder of parties; and in any review of the courts of orders of the commission the same rule shall apply and pertain with regard to the joinder of complaints and parties as herein provided: **PROVIDED**, All grievances to be inquired into shall be plainly set forth in the complaint. No



complaint shall be dismissed because of the absence of direct damage to the complainant.

(3) Upon the filing of a complaint, the commission shall cause a copy thereof to be served upon the person or corporation complained of, which shall be accompanied by a notice fixing the time when and place where a hearing will be had upon such complaint. The time fixed for such hearing shall not be less than ten days after the date of the service of such notice and complaint, excepting as herein provided. The commission shall enter its final order with respect to a complaint filed by any entity or person other than the commission within ten months from the date of filing of the complaint, unless the date is extended for cause. Rules of practice and procedure not otherwise provided for in this title may be prescribed by the commission. Such rules may include the requirement that a complainant use informal processes before filing a formal complaint.

(4) The commission shall, as appropriate, audit a nonmunicipal water system upon receipt of an administrative order from the department, or the city or county in which the water system is located, finding that the water delivered by a system does not meet state board of health standards adopted under RCW 43.20.050(2)(a) or standards adopted under chapters 70.116 and 70.119A RCW, and the results of the audit shall be provided to the requesting department, city, or county. However, the number of nonmunicipal water systems referred to the commission in any one calendar year shall not exceed twenty percent of the water companies subject to commission regulation as defined in RCW 80.04.010.

Every nonmunicipal water system referred to the commission for audit under this section shall pay to the commission an audit fee in an amount, based on the system's twelve-month audited period, equal to the fee required to be paid by regulated companies under RCW 80.24.010.

(5) Any customer or purchaser of service from a water system or company that is subject to commission regulation may file a complaint with the commission if he or she has reason to believe that the water delivered by the system to the customer does not meet state drinking water standards under chapter 43.20 or 70.116 RCW. The commission shall investigate such a complaint, and shall request that the state department of health or local health department of the county in which the system is located test the water for compliance with state drinking water standards, and provide the results of such testing to the commission. The commission may decide not to investigate the complaint if it determines that the complaint has been filed in bad faith, or for the purpose of harassment of the water system or company, or for other reasons has no substantial merit. The water system or company shall bear the expense for the testing. After the commission has received the complaint from the customer and during the pendency of the commission investigation, the water system or company shall not take any steps to terminate service to the customer or to collect any amounts alleged to be owed to the company by the customer. The commission may issue an order or take any other action to ensure that no such

steps are taken by the system or company. The customer may, at the customer's option and expense, obtain a water quality test by a licensed or otherwise qualified water testing laboratory, of the water delivered to the customer by the water system or company, and provide the results of such a test to the commission. If the commission determines that the water does not meet state drinking water standards, it shall exercise its authority over the system or company as provided in this title, and may, where appropriate, order a refund to the customer on a pro rata basis for the substandard water delivered to the customer, and shall order reimbursement to the customer for the cost incurred by the customer, if any, in obtaining a water quality test.

**Sec. 13.** RCW 70.116.070 and 1977 ex.s. c 142 s 7 are each amended to read as follows:

(1) The proposed service area boundaries of public water systems within the critical water supply service area that are required to submit water system plans under this chapter shall be ((determined by written agreement among the purveyors and with the approval of the appropriate legislative authority. Failure of the legislative authority to file with the secretary objections to the proposed service area boundaries within sixty days of receipt of the proposed boundary agreement may be construed as approval of the agreement)) identified in the system's plan. The local legislative authority, or its planning department or other designee, shall review the proposed boundaries to determine whether the proposed boundaries of one or more systems overlap. The boundaries determined by the local legislative authority not to overlap shall be incorporated into the coordinated water system plan. Where any overlap exists, the local legislative authority may attempt to resolve the conflict through procedures established under RCW 70.116.060(5).

(2) ((If no service area boundary agreement has been established within a reasonable period of time, or if the legislative authority has filed with the secretary objections in writing as provided in subsection (1) of this section)) Any final decision by a local legislative authority regarding overlapping service areas, or any unresolved disputes regarding service area boundaries, may be appealed or referred to the secretary in writing for resolution. After receipt of an appeal or referral, the secretary shall hold a public hearing thereon. The secretary shall provide notice of the hearing by certified mail to each purveyor ((providing service in the critical water supply service area)) involved in the dispute, to each county legislative authority having jurisdiction in the area and to the public. The secretary shall provide public notice pursuant to the provisions of chapter 65.16 RCW. Such notice shall be given at least twenty days prior to the hearing. The hearing may be continued from time to time and, at the termination thereof, the secretary may restrict the expansion of service of any purveyor within the area if the secretary finds such restriction is necessary to provide the greatest protection of the public health and well-being.

**Sec. 14.** RCW 56.08.200 and 1991 c 190 s 1 are each amended to read as follows:

It is unlawful and a misdemeanor to make, or cause to be made, or to maintain any (~~sewer~~) connection with any sewer or water system of any sewer district, or with any sewer or water system which is connected directly or indirectly with any sewer or water system of any sewer district without having permission from the sewer district.

**Sec. 15.** RCW 57.08.180 and 1991 c 190 s 5 are each amended to read as follows:

It is unlawful and a misdemeanor to make, or cause to be made, or to maintain any (~~sewer~~) connection with any sewer or water system of any water district, or with any sewer or water system which is connected directly or indirectly with any sewer or water system of any water district without having permission from the water district.

***\*NEW SECTION. Sec. 16. A new section is added to chapter 70.119A RCW to read as follows:***

*An individual well serving a group domestic use shall be allowed to provide water service connections for up to a number equal to the approved maximum daily withdrawal amount for the well as determined by the water right divided by four hundred. The department may approve a greater number of service connections based on a factor of less than four hundred gallons per day delivered to each residence.*

\*Sec. 16 was vetoed. See message at end of chapter.

**NEW SECTION. Sec. 17.** Section 9 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

Passed the Senate April 23, 1995.

Passed the House April 23, 1995.

Approved by the Governor May 16, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 16, 1995.

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

"I am returning herewith, without my approval as to sections 5 and 16, Engrossed Second Substitute Senate Bill No. 5448 entitled:

"AN ACT Relating to public water systems;"

I praise the hard work and commitment of the legislature in passing Engrossed Second Substitute Senate Bill No. 5448 as well as the Drinking Water 2000 Task Force for their recommendations to the legislature to assure that Washington residents continue to have access to safe drinking water.

This bill makes a number of statutory changes to improve operation and management of small drinking water systems, to clarify coordinated water system planning processes and responsibilities, and to enhance local government decision-making regarding water systems — a critical component of local land use planning.

Section 5 of Engrossed Second Substitute Senate Bill No. 5448 attempts to exclude water systems of two, three, or four connections from all state or local regulations. However, the statute amended by this section does not affect the regulatory authority of state or local jurisdictions over these small systems and, therefore, provides incomplete and unclear policy direction.

Section 16 of Engrossed Second Substitute Senate Bill No. 5448 would double the number of connections that can be made to a 5,000 gallon per day exempt well from 6 to 12. The 6 connections now allowed are based on the Department of Health's (DOH) water system sizing criteria. DOH is in the process of reviewing sizing criteria to more accurately reflect the needs of specific water system designs. Arbitrarily increasing the number of connections from 6 to 12 circumvents the process already underway and may have unintended impacts on public water systems.

For these reasons, I am vetoing sections 5 and 16 of Engrossed Second Substitute Senate Bill No. 5448.

With the exception of sections 5 and 16, Engrossed Second Substitute Senate Bill No. 5448 is approved."

## CHAPTER 377

[Substitute Senate Bill 5567]

### PRESERVATION OF SINGLE-FAMILY RESIDENTIAL NEIGHBORHOODS

AN ACT Relating to providing for the preservation of single-family residential neighborhoods; and amending RCW 36.70A.070.

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

**Sec. 1.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 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 RCW 36.70A.140.

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)~~ ensuring 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, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (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 RCW 36.70A.040, 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.

Passed the Senate March 8, 1995.

Passed the House April 22, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

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## CHAPTER 378

[Engrossed Substitute Senate Bill 5616]

### WATERSHED RESTORATION PROJECTS—STREAMLINED PERMITTING PROCESS

AN ACT Relating to watershed restoration projects; adding new sections to chapter 89.08 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 36.70A RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 75.20 RCW; adding a new section to chapter 90.48 RCW; and adding a new section to chapter 90.58 RCW.

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

**NEW SECTION.** Sec. 1. The legislature declares that it is the goal of the state of Washington to preserve and restore the natural resources of the state and, in particular, fish and wildlife and their habitat. It is further the policy of the state insofar as possible to utilize the volunteer organizations who have demonstrated their commitment to these goals.

To this end, it is the intent of the legislature to minimize the expense and delays caused by unnecessary bureaucratic process in securing permits for projects that preserve or restore native fish and wildlife habitat.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout sections 1 through 7 of this act.

(1) "Watershed restoration plan" means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district, that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed, and for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the state environmental policy act. If the implementation measures or actions would have a probable significant, adverse environmental impact, a detailed statement under RCW 43.21C.031 must be prepared on the plan.

(2) "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

(a) A project that involves less than ten miles of streamreach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed, or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

(b) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(c) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure other than a bridge or culvert or instream habitat enhancement structure associated with the project is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

**NEW SECTION.** Sec. 3. By January 1, 1996, the Washington conservation commission shall develop, in consultation with other state agencies, tribes, and local governments, a consolidated application process for permits for a watershed

restoration project developed by an agency or sponsored by an agency on behalf of a volunteer organization. The consolidated process shall include a single permit application form for use by all responsible state and local agencies. The commission shall encourage use of the consolidated permit application process by any federal agency responsible for issuance of related permits. The permit application forms to be consolidated shall include, at a minimum, applications for: (1) Approvals related to water quality standards under chapter 90.48 RCW; (2) hydraulic project approvals under chapter 75.20 RCW; and (3) Section 401 water quality certifications under 33 U.S.C. Sec. 1341 and chapter 90.48 RCW.

**NEW SECTION.** Sec. 4. Each agency of the state and unit of local government that claims jurisdiction or the right to require permits, other approvals, or fees as a condition of allowing a watershed restoration project to proceed shall designate an office or official as a designated recipient of project applications and shall inform the conservation commission of the designation.

**NEW SECTION.** Sec. 5. All agencies of the state and local governments shall accept the single application developed under section 3 of this act. Unless the procedures under section 6 of this act are invoked, the application shall be processed without charge and permit decisions shall be issued within forty-five days of receipt of a complete application.

**NEW SECTION.** Sec. 6. The applicant or any state agency, tribe, or local government with permit processing responsibility may request that the permit assistance center created by chapter . . . , Laws of 1995 (House Bill No. 1724) appoint a project facilitator to develop in consultation with the applicant and permit agencies a coordinated process for permit decisions on the application. The process may incorporate procedures for coordinating state permits under chapter . . . , Laws of 1995 (House Bill No. 1724). The center shall adopt a target of completing permit decisions within forty-five days of receipt of a complete application.

If House Bill No. 1724 is not enacted by June 30, 1995, this section shall be null and void.

**NEW SECTION.** Sec. 7. State agencies, tribes, and local governments responsible for permits or other approvals of watershed restoration projects as defined in section 2 of this act may develop general permits or permits by rule to address some or all projects required by an approved watershed restoration plan, or for types of watershed restoration projects. Nothing in this act precludes local governments, state agencies, and tribes from working out other cooperative permitting agreements outside the procedures of this act.

**NEW SECTION.** Sec. 8. A new section is added to chapter 35.63 RCW to read as follows:

A permit required under this chapter for a watershed restoration project as defined in section 2 of this act shall be processed in compliance with sections 1 through 7 of this act.



**NEW SECTION. Sec. 9.** A new section is added to chapter 35A.63 RCW to read as follows:

A permit required under this chapter for a watershed restoration project as defined in section 2 of this act shall be processed in compliance with sections 1 through 7 of this act.

**NEW SECTION. Sec. 10.** A new section is added to chapter 36.70 RCW to read as follows:

A permit required under this chapter for a watershed restoration project as defined in section 2 of this act shall be processed in compliance with sections 1 through 7 of this act.

**NEW SECTION. Sec. 11.** A new section is added to chapter 36.70A RCW to read as follows:

A permit required under this chapter for a watershed restoration project as defined in section 2 of this act shall be processed in compliance with sections 1 through 7 of this act.

**NEW SECTION. Sec. 12.** A new section is added to chapter 43.21C RCW to read as follows:

Decisions pertaining to watershed restoration projects as defined in section 2 of this act are not subject to the requirements of RCW 43.21C.030(2)(c).

**NEW SECTION. Sec. 13.** A new section is added to chapter 43.30 RCW to read as follows:

A permit required by the department for a watershed restoration project as defined in section 2 of this act shall be processed in compliance with sections 1 through 7 of this act.

**NEW SECTION. Sec. 14.** A new section is added to chapter 75.20 RCW to read as follows:

A hydraulic project approval required by the department for a watershed restoration project as defined in section 2 of this act shall be processed in compliance with sections 1 through 7 of this act.

**NEW SECTION. Sec. 15.** A new section is added to chapter 90.48 RCW to read as follows:

A permit, certification, or other approval required by the department for a watershed restoration project as defined in section 2 of this act shall be processed in compliance with sections 1 through 7 of this act. Public review of proposed watershed restoration projects may be shortened or waived by the department.

**NEW SECTION. Sec. 16.** A new section is added to chapter 90.58 RCW to read as follows:

Watershed restoration projects as defined in section 2 of this act are exempt from the requirement to obtain a substantial development permit. Local government shall review the projects for consistency with the locally adopted shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving a complete

consolidated application form from the applicant. No fee may be charged for accepting and processing applications for watershed restoration projects as used in this section.

**NEW SECTION.** Sec. 17. Sections 1 through 7 of this act are each added to chapter 89.08 RCW.

Passed the Senate April 21, 1995.

Passed the House April 12, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 379

[Senate Bill 5652]

### WELFARE FRAUD

AN ACT Relating to welfare fraud; amending RCW 74.08.290 and 74.04.062; adding a new section to chapter 74.08 RCW; and creating new sections.

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

**NEW SECTION.** Sec. 1. The legislature finds that welfare fraud damages the state's ability to use its limited resources to help those in need who legitimately qualify for assistance. In addition, it affects the credibility and integrity of the system, promoting disdain for the law.

Persons convicted of committing such fraud should be barred, for a period of time, from receiving additional public assistance.

**Sec. 2.** RCW 74.08.290 and 1959 c 26 s 74.08.290 are each amended to read as follows:

The department is hereby authorized to suspend temporarily the public assistance granted to any person for any period during which such person is not in need thereof.

If a recipient is convicted of any crime or offense, and punished by imprisonment, no payment shall be made during the period of imprisonment.

If a recipient is convicted of unlawful practices under RCW 74.08.331, no payment shall be made for a period to be determined by the court, but in no event less than six months upon the first conviction and no less than twelve months for a second or subsequent violation. This suspension of public assistance shall apply regardless of whether the recipient is subject to complete or partial confinement upon conviction, or incurs some lesser penalty.

**\*Sec. 3.** RCW 74.04.062 and 1973 c 152 s 2 are each amended to read as follows:

*Upon written request of a person who has been properly identified as an officer of the law with a felony arrest warrant or a properly identified United States immigration official with a warrant for an illegal alien the department shall disclose to such officer the current address and location of the person properly described in the warrant. However, this rule does not restrict in any*

**manner whatsoever the disclosure of address and location information by the department pursuant to its implementation of the federal "systematic alien verification for entitlements" program or pursuant to section 4 of this act.**

\*Sec. 3 was vetoed. See message at end of chapter.

**\*NEW SECTION. Sec. 4.** *A new section is added to chapter 74.08 RCW to read as follows:*

*The department shall implement the federal "systematic alien verification for entitlements" program, the "SAVE" program. The department shall:*

*(1) Coordinate with other state agencies, including but not limited to the employment security department, to ensure that persons receiving federal or state funds are eligible in terms of citizenship and residency status;*

*(2) Post at every community service office a sign letting applicants and recipients know that illegal aliens will be reported to the United States immigration and naturalization service and that the systematic alien verification for entitlements program is in use in the office; and*

*(3) Systematically use all processes available to verify eligibility in terms of the citizenship and residency status of applicants and recipients for public assistance.*

\*Sec. 4 was vetoed. See message at end of chapter.

**\*NEW SECTION. Sec. 5.** *The department shall have the SAVE program in full force and effect by September 30, 1995, and report to the fiscal committees of the house of representatives and senate by December 1, 1995, regarding the progress of implementation and outcomes by region of the program.*

\*Sec. 5 was vetoed. See message at end of chapter.

Passed the Senate April 23, 1995.

Passed the House April 23, 1995.

Approved by the Governor May 16, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 16, 1995.

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

"I am returning herewith, without my approval as to sections 3, 4, and 5, Senate Bill No. 5652 entitled:

"AN ACT Relating to welfare fraud;"

Senate Bill No. 5652 addresses the issue of welfare fraud and provides that persons convicted under RCW 74.08.331 will be ineligible to receive public assistance for a specified period. Sections 3, 4, and 5 require the Department of Social and Health Services (DSHS) to reinstate the Systematic Alien Verification for Entitlement (SAVE) program. DSHS's past experience with this program has established that it is an inefficient and costly method of identifying fraudulent applications for assistance. Furthermore, the federal government has, through several agencies, come to the same conclusion: the SAVE program costs about twice as much as is saved. This has been verified by the General Accounting Office and DSHS. Washington is one of many states that has decided this program is ineffective.

This state is in no way supportive of granting benefits to illegal immigrants who are not eligible for assistance. DSHS currently has effective mechanisms in place to identify fraud of this kind. Elaborate systems exist throughout interagency agreements with the

Social Security Administration and the Immigration and Naturalization Service which double check immigration status to ensure recipients are eligible for service. The SAVE program will not serve to enhance those efforts.

For these reasons, I have vetoed sections 3, 4, and 5 of Senate Bill No. 5652.

With the exception of sections 3, 4, and 5, Senate Bill No. 5652 is approved."

## CHAPTER 380

[Senate Bill 5655]

### RAIL FREIGHT SERVICE PROGRAM

AN ACT Relating to rail freight service; amending RCW 47.76.200, 47.76.210, 47.76.220, 47.76.230, 47.76.240, 47.76.250, 47.76.270, and 47.76.280; adding a new section to chapter 47.76 RCW; and repealing RCW 47.76.260.

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

**Sec. 1.** RCW 47.76.200 and 1993 c 224 s 1 are each amended to read as follows:

The legislature finds that a balanced multimodal transportation system is required to maintain the state's commitment to the growing mobility needs of its citizens and commerce. The state's freight rail system((s are)), including branch lines, mainlines, rail corridors, terminals, yards, and equipment, is an important element((s)) of this multimodal system. Washington's economy relies heavily upon the freight rail system to ensure movement of the state's agricultural, chemical, and natural resources and manufactured products to local, national, and international markets and thereby contributes to the economic vitality of the state.

Since 1970, Washington has lost ((nearly)) over one-third of its ((five thousand two hundred)) rail miles to abandonment and bankruptcies((leaving approximately three thousand four hundred rail miles.

Abandonment of rail lines and rail freight service)). The combination of rail abandonments and rail system capacity constraints may alter the delivery to market of many commodities. In addition, the resultant motor vehicle freight traffic increases the burden on state highways and county roads. In many cases, the cost of maintaining and upgrading the state highways and county roads exceeds the cost of maintaining rail freight service. Thus, the economy of the state will be best served by a policy of maintaining and encouraging a healthy rail freight system by creating ((a)) mechanisms ((which keeps)) that keep rail freight lines operating if the benefits of the service outweigh the cost.

Recognizing the implications of this trend for freight mobility and the state's economic future, the legislature ((believes)) finds that better freight rail planning, better cooperation to preserve rail lines, and increased financial assistance from the state are necessary to maintain and improve the freight rail system within the state.

**Sec. 2.** RCW 47.76.210 and 1990 c 43 s 2 are each amended to read as follows:

The Washington state department of transportation shall implement a state freight rail program ((for rail coordination, planning, and technical assistance))

that supports the freight rail service objectives identified in the state's multimodal transportation plan required under chapter 47.06 RCW. The support may be in the form of projects and strategies that support branch lines and light-density lines, provide access to ports, maintain adequate mainline capacity, and preserve or restore rail corridors and infrastructure.

Sec. 3. RCW 47.76.220 and 1993 c 224 s 2 are each amended to read as follows:

(1) The department of transportation shall prepare and periodically update a state rail plan, the objective of which is to identify, evaluate, and encourage essential rail services. The plan shall:

(a) Identify and evaluate mainline capacity issues;

(b) Identify and evaluate port-to-rail access and congestion issues;

(c) Identify and evaluate those rail freight lines that may be abandoned or have recently been abandoned;

~~((b))~~ (d) Quantify the costs and benefits of maintaining rail service on those lines that are likely to be abandoned; ~~((a))~~

~~((e))~~ (e) Establish priorities for determining which rail lines should receive state support. The priorities should include the anticipated benefits to the state and local economy, the anticipated cost of road and highway improvements necessitated by the abandonment or capacity constraints of the rail line, the likelihood the rail line receiving funding can meet operating costs from freight charges, surcharges on rail traffic, and other funds authorized to be raised by a county or port district, and the impact of abandonment or capacity constraints on changes in energy utilization and air pollution;

(f) Identify and describe the state's rail system;

(g) Prepare a state freight rail system map;

(h) Identify and evaluate rail commodity flows and traffic types;

(i) Identify lines and corridors that have been rail banked or preserved; and

(j) Identify and evaluate other issues affecting the state's rail traffic.

(2) The state rail plan may be prepared in conjunction with the rail plan prepared by the department pursuant to the federal Railroad Revitalization and Regulatory Reform Act.

Sec. 4. RCW 47.76.230 and 1990 c 43 s 3 are each amended to read as follows:

(1) The department of transportation shall continue its responsibility for the development and implementation of the state rail plan and programs, and the utilities and transportation commission shall continue its responsibility for intrastate rates, service, and safety issues.

(2) The department of transportation shall maintain an enhanced data file on the rail system. Proprietary annual station traffic data from each railroad and the modal use of major shippers shall be obtained to the extent that such information is available.

(3) The department of transportation shall provide technical assistance, upon request, to state agencies and local interests. Technical assistance includes, but is not limited to, the following:

(a) ~~((Abandonment))~~ Rail project cost-benefit analyses~~((to include the public and private costs and benefits of maintaining the service, providing alternative service including necessary road improvement costs, or of taking no action))~~ conducted in accordance with methodologies recommended by the Federal Railroad Administration;

(b) Assistance in the formation of county rail districts and port districts; and

(c) Feasibility studies for rail service continuation and/or rail service assistance.

(4) With funding authorized by the legislature, the department of transportation, in collaboration with the department of community, trade, and economic development, and local economic development agencies, and other interested public and private organizations, shall develop a cooperative process to conduct community and business information programs and to regularly disseminate information on rail matters. ~~((The following agencies and jurisdictions shall be involved in the process:~~

~~(a) The state departments of community development and trade and economic development;~~

~~(b) Local jurisdictions and local economic development agencies; and~~

~~(c) Other interested public and private organizations.))~~

Sec. 5. RCW 47.76.240 and 1993 c 224 s 3 are each amended to read as follows:

The state, counties, local communities, ports, railroads, labor, and shippers all benefit from continuation of rail service and should participate in its preservation. Lines ~~((which))~~ that provide benefits to the state and local jurisdictions, such as avoided roadway costs, reduced traffic congestion, economic development potential, environmental protection, and safety, should be assisted through the joint efforts of the state, local jurisdictions, and the private sector.

State funding for rail service ~~((or)),~~ rail preservation, and corridor preservation projects must benefit the state's interests~~((, which include)).~~ The state's interest is served by reducing public roadway maintenance and repair costs, increasing economic development opportunities, increasing domestic and international trade, preserving jobs, and enhancing safety~~((, and)).~~ State funding for projects is contingent upon appropriate local jurisdiction and private sector participation and cooperation. Before spending state moneys on projects the department shall seek federal, local, and private funding and participation to the greatest extent possible.

(1) The department of transportation shall continue to monitor the status of the state's ~~((high density line system))~~ mainline and branchline common carrier railroads and preserved rail corridors through the state rail plan and various

analyses, and shall seek alternatives to abandonment prior to interstate commerce commission proceedings, where feasible.

(2) The utilities and transportation commission shall intervene in interstate commerce commission proceedings on abandonments, when necessary, to protect the state's interest.

(3) ~~((As conditions warrant, the following criteria shall be used for identifying the state's essential rail system:~~

~~(a) Established regional and short line carriers excluding private operations which are not common carriers;~~

~~(b) Former state project lines, which are lines that have been studied and have received funds from the state and federal governments;~~

~~(c) Lines serving major agricultural and forest product areas or terminals, with such terminals generally being within a fifty-mile radius of producing areas, and sites associated with commodities shipped by rail;~~

~~(d) Lines serving ports, seaports, and navigable river ports;~~

~~(e) Lines serving power plants or energy resources;~~

~~(f) Lines used for passenger service;~~

~~(g) Mainlines connecting to the national and Canadian rail systems;~~

~~(h) Major intermodal service points or hubs; and~~

~~(i) The military's strategic rail network))~~ The department of transportation,

in consultation with the Washington state freight rail policy advisory committee, shall establish criteria for evaluating rail projects and corridors of significance to the state.

(4) Local jurisdictions may implement rail service preservation projects in the absence of state participation.

(5) The department of transportation shall continue to monitor projects for which it provides assistance.

Sec. 6. RCW 47.76.250 and 1993 c 224 s 4 are each amended to read as follows:

(1) The essential rail assistance account is created in the state treasury. Moneys in the account may be appropriated only for the purposes specified in this section.

(2) Moneys appropriated from the account to the department of transportation may be used by the department or distributed by the department to cities, county rail districts, counties, economic development councils, and port districts for the purpose of:

(a) Acquiring, rebuilding, rehabilitating, or improving ~~((branch))~~ rail lines;

(b) Purchasing or rehabilitating railroad equipment necessary to maintain essential rail service;

(c) Constructing railroad improvements to mitigate port access or mainline congestion;

(d) Construction of ((transloading)) loading facilities to increase business on light density lines or to mitigate the impacts of abandonment; ((or

~~((d))~~ (e) Preservation, including operation, of ~~((viable))~~ light density lines, as identified by the Washington state department of transportation, in compliance with this chapter; or

(f) Preserving rail corridors for future rail purposes by purchase of rights of way. The department shall first pursue transportation enhancement program funds, available under the federal surface transportation program, to the greatest extent practicable to preserve rail corridors. Purchase of rights of way may include track, bridges, and associated elements, and must meet the following criteria:

(i) The right of way has been identified and evaluated in the state rail plan prepared under this chapter;

(ii) The right of way may be or has been abandoned; and

(iii) The right of way has potential for future rail service.

(3) The department or the participating local jurisdiction is responsible for maintaining any right of way acquired under this chapter, including provisions for drainage management, fire and weed control, and liability associated with ownership.

(4) Nothing in this section impairs the reversionary rights of abutting landowners, if any, without just compensation.

~~((3))~~ (5) The department, cities, county rail districts, counties, and port districts may grant franchises to private railroads for the right to operate on lines acquired under this chapter.

~~((4))~~ (6) The department, cities, county rail districts, counties, and port districts may grant trackage rights over rail lines acquired under this chapter.

~~((5))~~ (7) If rail lines or rail rights of way are used by county rail districts, port districts, state agencies, or other public agencies for the purposes of rail operations and are later abandoned, the rail lines or rail rights of way cannot be used for any other purposes without the consent of the underlying fee title holder or reversionary rights holder, or until compensation has been made to the underlying fee title holder or reversionary rights holder.

~~((6) Projects should be prioritized on the basis))~~ (8) The department of transportation shall develop criteria for prioritizing freight rail projects that meet the minimum eligibility requirements for state assistance under RCW 47.76.240. The department shall develop criteria in consultation with the Washington state freight rail policy advisory committee. Project criteria should consider the level of local financial commitment to the project as well as cost/benefit ratio. Counties, local communities, railroads, shippers, and others who benefit from the project should participate financially to the greatest extend practicable.

~~((7))~~ (9) Moneys received by the department from franchise fees, trackage rights fees, and loan payments shall be redeposited in the essential rail assistance account. Repayment of loans made under this section shall occur within a period not longer than fifteen years, as set by the department. The repayment schedule and rate of interest, if any, shall be determined before the distribution of the moneys.



~~((8))~~ (10) The state shall maintain a contingent interest in ~~((a line))~~ any equipment, property, rail line, or facility that has outstanding grants or loans. The owner may not use the line as collateral, remove track, bridges, or associated elements for salvage, or use it in any other manner subordinating the state's interest without permission from the department.

(11) Moneys distributed under this chapter should be provided as loans wherever practicable. For improvements on or to privately owned railroads, railroad property, or other private property, moneys distributed shall be provided solely as loans.

Sec. 7. RCW 47.76.270 and 1993 c 224 s 6 are each amended to read as follows:

(1) The essential rail banking account is ~~((created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes specified in this section.~~

(2) Moneys in the account may be used by the department to:

(a) Acquire rail rights of way;

(b) Provide funding to cities, port districts, counties, and county rail districts to acquire rail rights of way; or

~~(c) Provide for essential corridor maintenance including drainage management and fire and weed control when necessary.~~

~~(3) Use of the moneys pursuant to subsection (2) of this section shall be for rights of way that meet the following criteria:~~

~~(a) The right of way has been identified and evaluated in the state rail plan prepared pursuant to this chapter;~~

~~(b) The right of way may be or has been abandoned; and~~

~~(c) The right of way has potential for future rail service. The department of transportation shall immediately report any expenditure of essential rail banking account funds on rail banking projects to the legislative transportation committee. The report shall include a description of the project, the project's rank in relation to other potential projects, the amount of funds expended, the terms and parties to the transaction, and any other information that the legislative transportation committee may require.~~

~~(4) The department may also expend funds from the receipt of a donation of funds sufficient to cover the property acquisition and management costs. The department may receive donations of funds for this purpose, which shall be conditioned upon, and made in consideration for the repurchase rights contained in RCW 47.76.280.~~

~~(5) The department or the participating local jurisdiction shall be responsible for maintaining the right of way, including provisions for drainage management, for fire and weed control, and for liability associated with ownership.~~

~~(6) Nothing in this section and in RCW 47.76.260 and 47.76.250 shall be interpreted or applied so as to impair the reversionary rights of abutting landowners, if any, without just compensation.~~

~~(7) The department shall develop guidelines for expenditure of essential rail banking funds in the best interest of the state.~~

~~(8) Moneys loaned under this section must be repaid to the state by the city, port district, county, or county rail district. The repayment must occur within a period not longer than fifteen years, as set by the department, of the distribution of the moneys and deposited in the essential rail banking account. The repayment schedule and rate of interest, if any, must be set at the time of the distribution of the moneys.~~

~~(9) The state shall maintain a contingent interest in any property that has outstanding grants or loans. The owner may not use the line as collateral, remove track, bridges, and associated elements for salvage, or use the line in any other manner subordinating the state's interest without permission from the department)) merged into the essential rail assistance account created under RCW 47.76.250. Any appropriations made to the essential rail banking account are transferred to the essential rail assistance account, and are subject to the restrictions of that account.~~

Sec. 8. RCW 47.76.280 and 1993 c 224 s 7 are each amended to read as follows:

The department may sell or lease property acquired under this chapter to a county rail district established under chapter 36.60 RCW, a county, a port district, or any other public or private entity authorized to operate rail service. Any public or private entity (~~which~~) that originally donated funds to the department under this chapter shall receive credit against the purchase price for the amount donated to the department, less management costs, in the event such public or private entity purchases the property from the department.

If no county rail district, county, port district, or other public or private entity authorized to operate rail service purchases or leases the property within six years after its acquisition by the department, the department may sell or lease such property in the manner provided in RCW 47.76.290. Failing this, the department may sell or convey all such property in the manner provided in RCW 47.76.300 or 47.76.320.

**\*NEW SECTION.** Sec. 9. A new section is added to chapter 47.76 RCW to read as follows:

*The department of transportation shall convene a Washington state freight rail policy advisory committee from time to time as necessary to accomplish the purposes of this chapter. The committee shall consist of representatives from large and small railroads, agriculture, rural regional transportation planning organizations, urban metropolitan planning organizations, select department of transportation regions, the transportation commission, port districts, cities, counties, organized rail labor, and other parties with an interest in the vitality of freight rail. The purpose of this committee will be to provide policy direction and program oversight.*

\*Sec. 9 was vetoed. See message at end of chapter.

**NEW SECTION. Sec. 10.** RCW 47.76.260 and 1993 c 224 s 5 & 1990 c 43 s 5 are each repealed.

Passed the Senate April 23, 1995.

Passed the House April 22, 1995.

Approved by the Governor May 16, 1995, with the exception of exception of certain items which were vetoed.

Filed in Office of Secretary of State May 16, 1995.

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

"I am returning herewith, without my approval as to section 9, Senate Bill No. 5655 entitled:

"AN ACT Relating to rail freight service;"

Senate Bill No. 5655 makes several substantive changes in existing statutes improving the laws that govern the role the state will play in the preservation and development of the freight rail system. This issue is important to a state like Washington which has an increasing economic reliance on rail systems.

However, section 9 of Senate Bill No. 5655 creates a new advisory group to be known as the Freight Rail Policy Advisory Committee. Avoiding the unnecessary creation of such committees has been and remains a goal of this administration. Indeed, according to the law passed just a year ago, it is also legislative policy to curtail the proliferation of these groups. Under the law, we must ask, "Could the work of the board or commission be done by an ad hoc committee?" Since the work of the Freight Rail Policy Advisory Committee could be done by a group appointed by and operated under existing authorities of the Department of Transportation, there is no reason to unnecessarily mandate this committee in statute.

Since it is important that the Department of Transportation seek guidance from interested parties as it exercises the authorities granted in this bill, I have sought and have received assurances from the department that they will create and will work with an ad hoc committee of this nature.

For this reason, I have vetoed section 9 of Senate Bill No. 5655.

With the exception of section 9, Senate Bill No. 5655 is approved."

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## CHAPTER 381

[Engrossed Senate Bill 5770]

### UNEMPLOYMENT INSURANCE CLAIMANT PROFILING

AN ACT Relating to unemployment insurance claimant profiling; amending RCW 50.20.010 and 50.20.043; adding a new section to chapter 50.20 RCW; creating new sections; and declaring an emergency.

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

**Sec. 1.** RCW 50.20.010 and 1981 c 35 s 3 are each amended to read as follows:

An unemployed individual shall be eligible to receive waiting period credits or benefits with respect to any week in his or her eligibility period only if the commissioner finds that:

(1) He or she has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulation as the commissioner may prescribe, except that the commissioner may by regulation waive or alter either or both of the requirements of this subdivision as to

individuals attached to regular jobs and as to such other types of cases or situations with respect to which (~~he or she~~) the commissioner finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title;

(2) He or she has filed an application for an initial determination and made a claim for waiting period credit or for benefits in accordance with the provisions of this title;

(3) He or she is able to work, and is available for work in any trade, occupation, profession, or business for which he or she is reasonably fitted. To be available for work an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him or her and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or (~~his~~) the commissioner's agents;

(4) He or she has been unemployed for a waiting period of one week; (~~and~~)

(5) He or she participates in reemployment services if the individual has been referred to reemployment services pursuant to the profiling system established by the commissioner under section 2 of this act, unless the commissioner determines that:

(a) The individual has completed such services; or

(b) There is justifiable cause for the claimant's failure to participate in such services; and

(6) As to weeks beginning after March 31, 1981, which fall within an extended benefit period as defined in RCW 50.22.010(~~(1), as now or hereafter amended~~), the individual meets the terms and conditions of RCW 50.22.020(~~(7 as now or hereafter amended~~)) with respect to benefits claimed in excess of twenty-six times the individual's weekly benefit amount.

An individual's eligibility period for regular benefits shall be coincident to his or her established benefit year. An individual's eligibility period for additional or extended benefits shall be the periods prescribed elsewhere in this title for such benefits.

NEW SECTION. Sec. 2. A new section is added to chapter 50.20 RCW to read as follows:

(1) The commissioner shall establish and use a profiling system for new claimants for regular compensation under this title that identifies permanently separated workers who are likely to exhaust regular compensation and will need job search assistance services to make a successful transition to new employment. The profiling system shall use a combination of individual characteristics and labor market information to assign each individual a unique probability of benefit exhaustion. Individuals identified as likely to exhaust benefits shall be referred to reemployment services, such as job search assistance services, to the extent such services are available at public expense.

(2) The profiling system shall include collection and review of follow-up information relating to the services received by individuals under this section and the employment outcomes for the individuals following receipt of the services. The information shall be used in making profiling identifications.

(3) In carrying out reviews of individuals receiving services, the department may contract with public or private entities and may disclose information or records necessary to permit contracting entities to assist in the operation and management of department functions. Any information or records disclosed to public or private entities shall be used solely for the purposes for which the information was disclosed and the entity shall be bound by the same rules of privacy and confidentiality as department employees. The misuse or unauthorized disclosure of information or records deemed private and confidential under chapter 50.13 RCW by any person or organization to which access is permitted by this section shall subject the person or organization to a civil penalty of five thousand dollars and other applicable sanctions under state and federal law. Suit to enforce this section shall be brought by the attorney general and the amount of any penalties collected shall be paid into the employment security department administrative contingency fund. The attorney general may recover reasonable attorneys' fees for any action brought to enforce this section.

*\*Sec. 3. RCW 50.20.043 and 1985 c 40 s 1 are each amended to read as follows:*

(1) No otherwise eligible individual shall be denied benefits for any week because the individual is in training with the approval of the commissioner, nor shall such individual be denied benefits with respect to any week in which the individual is satisfactorily progressing in a training program with the approval of the commissioner by reason of the application of RCW 50.20.010(3), 50.20.015, 50.20.080, or 50.22.020(1) relating to availability for work and active search for work, or failure to apply for or refusal to accept suitable work.

(2) An individual shall be considered to be in training with the approval of the commissioner if the individual is one who:

(a)(i) The commissioner determines to be a dislocated worker as defined by RCW 50.04.075; or

(ii) Fits the department's profile of unemployed workers who are likely to exhaust their benefits; and ~~((who))~~

(b) Is satisfactorily progressing in a training program approved by the commissioner ~~((shall be considered to be in training with the approval of the commissioner)).~~

(3) At the time of filing for an initial determination, individuals determined to be dislocated workers as defined in RCW 50.04.075 or who fit the department's profile of unemployed workers who are likely to exhaust their benefits shall be provided with information concerning the opportunity, if the

individual is otherwise eligible, to receive benefits while satisfactorily progressing in training approved by the commissioner.

\*Sec. 3 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 4. The commissioner may adopt rules as necessary to implement the 1995 c . . . ss 1 and 3 (sections 1 and 3 of this act) amendments to RCW 50.20.010 and 50.20.043 and section 2 of this act, including but not limited to definitions, eligibility standards, program review criteria and procedures, and provisions necessary to comply with applicable federal laws and regulations that are a condition to receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 5. 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. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 23, 1995.

Passed the House April 23, 1995.

Approved by the Governor May 16, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 16, 1995.

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

"I am returning herewith, without my approval as to section 3, Engrossed Senate Bill No. 5770 entitled:

"AN ACT Relating to unemployment insurance claimant profiling;"

Engrossed Senate Bill No. 5770 provides the Department of Employment Security the authority to implement a federally mandated worker profiling system to identify long-term unemployed individuals and to refer them to re-employment services.

Section 3 of the bill contains language restricting training to certain classes of workers. According to the Attorney General, this change puts at risk the current training of some workers. This consequence was unforeseen and unintended when the bill was passed.

Section 3 also instructs the department to inform eligible individuals that they may receive benefits while they satisfactorily progress in training that has been approved by the commissioner of the department. This is a positive change. I will, by separate instrument, direct the department to comply with this provision.

For these reasons, I am vetoing section 3 of Engrossed Senate Bill No. 5770.

With the exception of section 3, Engrossed Senate Bill No. 5770 is approved."

## CHAPTER 382

[Engrossed Senate Bill 5776]

## INTEGRATION OF WATER RESOURCES AND GROWTH MANAGEMENT PROCESSES

AN ACT Relating to the integration of water resources and growth management; amending RCW 35.44.020, 43.21B.160, 43.21B.170, 43.21B.190, 34.05.518, 34.05.522, 75.20.140, and 90.58.030; reenacting and amending RCW 36.70A.030; adding a new section to chapter 90.58 RCW; adding new sections to chapter 36.70A RCW; and repealing RCW 43.21B.140 and 43.21B.150.

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

**Sec. 1.** RCW 35.44.020 and 1987 c 242 s 4 are each amended to read as follows:

There shall be included in the cost and expense of every local improvement for assessment against the property in the district created to pay the same, or any part thereof:

(1) The cost of all of the construction or improvement authorized for the district including, but not limited to, that portion of the improvement within the street intersections;

(2) The estimated cost and expense of all engineering and surveying necessary for the improvement done under the supervision of the city or town engineer;

(3) The estimated cost and expense of ascertaining the ownership of the lots or parcels of land included in the assessment district;

(4) The estimated cost and expense of advertising, mailing, and publishing all necessary notices;

(5) The estimated cost and expense of accounting, clerical labor, and of books and blanks extended or used on the part of the city or town clerk and city or town treasurer in connection with the improvement;

(6) All cost of the acquisition of rights of way, property, easements, or other facilities or rights, including without limitation rights to use property, facilities, or other improvements appurtenant, related to, and/or useful in connection with the local improvement, whether by eminent domain, purchase, gift, payment of connection charges, capacity charges, or other similar charges or in any other manner;

(7) The cost for legal, financial, and appraisal services and any other expenses incurred by the city, town, or public corporation for the district or in the formation thereof, or by the city, town, or public corporation in connection with such construction or improvement and in the financing thereof, including the issuance of any bonds and the cost of providing for increases in the local improvement guaranty fund, or providing for a separate reserve fund or other security for the payment of principal of and interest on such bonds.

Any of the costs set forth in this section may be excluded from the cost and expense to be assessed against the property in such local improvement district and may be paid from any other moneys available therefor if the legislative body of the city or town so designates by ordinance at any time.

**Sec. 2.** RCW 43.21B.160 and 1990 c 65 s 5 are each amended to read as follows:

In all appeals (~~(involving a formal hearing)~~), the hearings board shall have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies in chapter 34.05 RCW, the Administrative Procedure Act. The hearings board, and each member thereof, shall be subject to all duties imposed upon, and shall have all powers granted to, an agency by those provisions of chapter 34.05 RCW relating to adjudicative proceedings. In the case of appeals within the jurisdiction of the hearings board, the hearings board, or any member thereof, may obtain such assistance, including the making of field investigations, from the staff of the director as the hearings board, or any member thereof, may deem necessary or appropriate. Any communication, oral or written, from the staff of the director to the hearings board shall be presented only in an open hearing.

**Sec. 3.** RCW 43.21B.170 and 1970 ex.s. c 62 s 47 are each amended to read as follows:

All proceedings(~~(including both formal and informal hearings)~~) before the hearings board or any of its members shall be conducted in accordance with such rules of practice and procedure as the hearings board may prescribe. The hearings board shall publish such rules and arrange for the reasonable distribution thereof.

**Sec. 4.** RCW 43.21B.190 and 1994 c 253 s 7 are each amended to read as follows:

Within thirty days after the final decision and order of the hearings board upon such an appeal has been communicated to the interested parties, such interested party aggrieved by the decision and order of the hearings board may appeal to the superior court. (~~(In all appeals involving a decision or an order of the hearings board after an informal hearing, the petition shall be filed in the superior court for the county of the petitioner's residence or principal place of business, or in the absence of a residence or principal place of business, for Thurston county. Such appeal may be perfected by filing with the clerk of the superior court a notice of appeal, and by serving a copy thereof by mail, or personally on the director, the air pollution control boards or authorities, established pursuant to chapter 70.94 RCW or on the board as the case may be. The hearings board shall serve upon the appealing party, the director, the air pollution control board or authorities established pursuant to chapter 70.94 RCW, or the board, as the case may be, and on any other party appearing at the hearings board's proceeding, and file with the clerk of the court before trial, a certified copy of the hearings board's decision and order. Appellate review of a decision of the superior court may be sought as in other civil cases. No bond shall be required on appeals to the superior court or on review by the supreme court unless specifically required by the judge of the superior court.)~~)



Sec. 5. RCW 34.05.518 and 1988 c 288 s 503 are each amended to read as follows:

(1) The final decision of an administrative agency in an adjudicative proceeding under this chapter may be directly reviewed by the court of appeals either (a) upon certification by the superior court pursuant to this section or (b) if the final decision is from an environmental board as defined in subsection (3) of this section, upon acceptance by the court of appeals after a certificate of appealability has been filed by the environmental board that rendered the final decision.

(2) For direct review upon certification by the superior court, an application for direct review must be filed with the superior court within thirty days of the filing of the petition for review in superior court. The superior court may certify a case for direct review only if the judicial review is limited to the record of the agency proceeding and the court finds that:

~~((1))~~ (a) Fundamental and urgent issues affecting the future administrative process or the public interest are involved which require a prompt determination;

~~((2))~~ (b) Delay in obtaining a final and prompt determination of such issues would be detrimental to any party or the public interest;

~~((3))~~ (c) An appeal to the court of appeals would be likely regardless of the determination in superior court; and

~~((4))~~ (d) The appellate court's determination in the proceeding would have significant precedential value.

Procedures for certification shall be established by court rule.

(3)(a) For the purposes of direct review of final decisions of environmental boards, environmental boards include those boards identified in RCW 43.21B.005 and growth management hearings boards as identified in RCW 36.70A.250.

(b) An environmental board may issue a certificate of appealability if it finds that delay in obtaining a final and prompt determination of the issues would be detrimental to any party or the public interest and either:

(i) Fundamental and urgent state-wide or regional issues are raised; or

(ii) The proceeding is likely to have significant precedential value.

(4) The environmental board shall state in the certificate of appealability which criteria it applied, explain how that criteria was met, and file with the certificate a copy of the final decision.

(5) For an appellate court to accept direct review of a final decision of an environmental board, it shall consider the same criteria outlined in subsection (3) of this section.

(6) The procedures for direct review of final decisions of environmental boards include:

(a) Within thirty days after filing the petition for review with the superior court, a party may file an application for direct review with the superior court and serve the appropriate environmental board and all parties of record. The

application shall request the environmental board to file a certificate of appealability.

(b) If an issue on review is the jurisdiction of the environmental board, the board may file an application for direct review on that issue.

(c) The environmental board shall have thirty days to grant or deny the request for a certificate of appealability and its decision shall be filed with the superior court and served on all parties of record.

(d) If a certificate of appealability is issued, the parties shall have fifteen days from the date of service to file a notice of discretionary review in the superior court, and the notice shall include a copy of the certificate of appealability and a copy of the final decision.

(e) If the appellate court accepts review, the certificate of appealability shall be transmitted to the court of appeals as part of the certified record.

(f) If a certificate of appealability is denied, review shall be by the superior court. The superior court's decision may be appealed to the court of appeals.

Sec. 6. RCW 34.05.522 and 1988 c 288 s 504 are each amended to read as follows:

The court of appeals may refuse to accept direct review of a case (~~certified~~) pursuant to RCW 34.05.518 if it finds that the case does not meet the applicable standard in RCW 34.05.518(2) or (5). Rules of Appellate Procedure 2.3 do not apply in this instance. The refusal to accept such review is not subject to further appellate review, notwithstanding anything in Rule 13.3 of the Rules of Appellate Procedure to the contrary.

Sec. 7. RCW 75.20.140 and 1989 c 175 s 161 are each amended to read as follows:

~~(1) ((In all appeals over which the hydraulic appeals board has jurisdiction, a party taking an appeal may elect either a formal or informal hearing. Such election shall be made according to the rules of practice and procedure to be adopted by the hydraulic appeals board. In the event that appeals are taken from the same decision, order, or determination, by different parties and only one of such parties elects a formal hearing, a formal hearing shall be granted.~~

~~(2))~~ (2) In all appeals, the hydraulic appeals board shall have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions, but such powers shall be exercised in conformity with chapter 34.05 RCW.

~~((3))~~ (2) In all appeals (~~involving a formal hearing~~), the hydraulic appeals board, and each member thereof, shall be subject to all duties imposed upon and shall have all powers granted to, an agency by those provisions of chapter 34.05 RCW relating to adjudicative proceedings.

~~((4))~~ (3) All proceedings (~~including both formal and informal hearings~~) before the hydraulic appeals board or any of its members shall be conducted in accordance with such rules of practice and procedure as the board may prescribe. Such rules shall be published and distributed.

~~((5))~~ (4) Judicial review of a decision of the hydraulic appeals board ~~((shall be de novo except when the decision has been rendered pursuant to the formal hearing, in which event judicial review))~~ may be obtained only pursuant to RCW 34.05.510 through 34.05.598.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

- (1) RCW 43.21B.140 and 1987 c 109 s 30 & 1970 ex.s. c 62 s 44; and
- (2) RCW 43.21B.150 and 1990 c 65 s 4, 1974 ex.s. c 69 s 2, & 1970 ex.s. c 62 s 45.

Sec. 9. RCW 36.70A.030 and 1994 c 307 s 2 and 1994 c 257 s 5 are each reenacted and amended to read as follows:

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, finfish in upland hatcheries, 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, trade, and economic development.

(7) ~~((For purposes of RCW 36.70A.065 and 36.70A.440, "development permit application" means any application for a development proposal for a use that could be permitted under a plan adopted pursuant to this chapter and is consistent with the underlying land use and zoning, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses or other applications pertaining to land uses, but shall not include rezones, proposed amendments to comprehensive plans or the adoption or amendment of development regulations.~~

~~(8))~~ "Development regulations" means ~~((any))~~ the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances,

and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in section 402, chapter . . . (Engrossed Substitute House Bill No. 1724), Laws of 1995, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

~~((9))~~ (8) "Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

~~((10))~~ (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.

~~((11))~~ (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.

~~((12))~~ (11) "Minerals" include gravel, sand, and valuable metallic substances.

~~((13))~~ (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.

~~((14))~~ (13) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

~~((15))~~ (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.

~~((16))~~ (15) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

~~((47))~~ (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.

~~((48))~~ (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, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. ~~((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)).~~

**Sec. 10.** RCW 90.58.030 and 1987 c 474 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

(a) "Department" means the department of ecology;

(b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the

line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated (~~wetlands~~) shorelands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta—from DeWolf Bight to Tatsolo Point,

(B) Birch Bay—from Point Whitehorn to Birch Point,

(C) Hood Canal—from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area—from Brown Point to Yokeko Point, and

(E) Padilla Bay—from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those (~~wetlands~~) shorelands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "~~(Wetlands)~~ Shorelands" or "~~(wetland)~~ shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all

(~~marshes, bogs, swamps,~~) wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology(~~(-PROVIDED-That)~~). Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state;

(h) "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 or those wetlands created after July 1, 1990 that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal

public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on ~~((wetlands))~~ shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels(~~(-PROVIDED, That)~~). A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the ~~((wetlands))~~ shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on ~~((wetlands))~~ shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences, the cost of which does not exceed two thousand five hundred dollars;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;



(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system((

~~(xi) Any action commenced prior to December 31, 1982, pertaining to (A) the restoration of interim transportation services as may be necessary as a consequence of the destruction of the Hood Canal bridge, including, but not limited to, improvements to highways, development of park and ride facilities, and development of ferry terminal facilities until a new or reconstructed Hood Canal bridge is open to traffic; and (B) the reconstruction of a permanent bridge at the site of the original Hood Canal bridge)).~~

NEW SECTION. **Sec. 11.** A new section is added to chapter 90.58 RCW to read as follows:

The department by rule shall adopt a manual for the delineation of wetlands under this chapter that implements and is consistent with the 1987 manual in use on January 1, 1995, by the United States army corps of engineers and the United States environmental protection agency. If the corps of engineers and the environmental protection agency adopt changes to or a different manual, the department shall consider those changes and may adopt rules implementing those changes.

NEW SECTION. **Sec. 12.** A new section is added to chapter 36.70A RCW to read as follows:

Wetlands regulated under development regulations adopted pursuant to this chapter shall be delineated in accordance with the manual adopted by the department pursuant to section 11 of this act.

NEW SECTION. **Sec. 13.** A new section is added to chapter 36.70A RCW to read as follows:

Nothing in section 104, chapter . . . (Engrossed Substitute House Bill No. 1724), Laws of 1995, shall be construed to authorize a county or city to adopt regulations applicable to shorelands as defined in RCW 90.58.030 that are inconsistent with the provisions of chapter 90.58 RCW.

Passed the Senate April 23, 1995.

Passed the House April 23, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

**CHAPTER 383**

[Substitute Senate Bill 5800]

**COMMUNITY-BASED SERVICES FOR THE DEVELOPMENTALLY DISABLED**

AN ACT Relating to developmental disabilities; and adding a new section to chapter 71A.10 RCW.

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

**NEW SECTION.** **Sec. 1.** A new section is added to chapter 71A.10 RCW to read as follows:

The legislature recognizes that the emphasis of state developmental disability services is shifting from institutional-based care to community services in an effort to increase the personal and social independence and fulfillment of persons with developmental disabilities, consistent with state policy as expressed in RCW 71A.10.015. It is the intent of the legislature that financial savings achieved from program reductions and efficiencies within the developmental disabilities program shall be redirected within the program to provide public or private community-based services for eligible persons who would otherwise be unidentified or unserved.

Passed the Senate April 23, 1995.

Passed the House April 11, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

**CHAPTER 384**

[Engrossed Senate Bill 5873]

**FINE INCREASED FOR PARKING IN SPACE RESERVED FOR PHYSICALLY DISABLED**

AN ACT Relating to raising the fine for parking in places reserved for physically disabled persons; amending RCW 46.16.381 and 46.08.150; and prescribing penalties.

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

**Sec. 1.** RCW 46.16.381 and 1994 c 194 s 6 are each amended to read as follows:

(1) The director shall grant special parking privileges to any person who has a disability that limits or impairs the ability to walk and meets one of the following criteria, as determined by a licensed physician:

(a) Cannot walk two hundred feet without stopping to rest;

(b) Is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;

(c) Is so severely disabled, that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;

(d) Uses portable oxygen;

(e) Is restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

(f) Impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American Heart Association; or

(g) Has a disability resulting from an acute sensitivity to automobile emissions which limits or impairs the ability to walk. The personal physician of the applicant shall document that the disability is comparable in severity to the others listed in this subsection.

(2) Persons who qualify for special parking privileges are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access. The department shall design the placard to be displayed when the vehicle is parked by suspending it from the rearview mirror, or in the absence of a rearview mirror the card may be displayed on the dashboard of any vehicle used to transport the disabled person. Instead of regular motor vehicle license plates, disabled persons are entitled to receive special license plates bearing the international symbol of access for one vehicle registered in the disabled person's name. Disabled persons who are not issued the special license plates are entitled to receive a second special placard. Persons who have been issued the parking privileges and who are using a vehicle or are riding in a vehicle displaying the special license plates or placard may park in places reserved for mobility disabled persons. The director shall adopt rules providing for the issuance of special placards and license plates to public transportation authorities, nursing homes licensed under chapter 18.51 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen centers, private nonprofit agencies as defined in chapter 24.03 RCW, and vehicles registered with the department as cabulances that regularly transport disabled persons who have been determined eligible for special parking privileges provided under this section. The director may issue special license plates for a vehicle registered in the name of the public transportation authority, nursing home, boarding homes, senior citizen center, private nonprofit agency, or cabulance service if the vehicle is primarily used to transport persons with disabilities described in this section. Public transportation authorities, nursing homes, boarding homes, senior citizen centers, private nonprofit agencies, and cabulance services are responsible for insuring that the special placards and license plates are not used improperly and are responsible for all fines and penalties for improper use.

(3) Whenever the disabled person transfers or assigns his or her interest in the vehicle, the special license plates shall be removed from the motor vehicle. If another vehicle is acquired by the disabled person and the vehicle owner qualifies for a special plate, the plate shall be attached to the vehicle, and the director shall be immediately notified of the transfer of the plate. If another

vehicle is not acquired by the disabled person, the removed plate shall be immediately surrendered to the director.

(4) The special license plate shall be renewed in the same manner and at the time required for the renewal of regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who has a condition expected to improve within six months may be issued a temporary placard for a period not to exceed six months. The director may issue a second temporary placard during that period if requested by the person who is temporarily disabled. If the condition exists after six months a new temporary placard shall be issued upon receipt of a new certification from the disabled person's physician. The parking placard of a disabled person shall be renewed, when required by the director, by satisfactory proof of the right to continued use of the privileges.

(5) Additional fees shall not be charged for the issuance of the special placards. No additional fee may be charged for the issuance of the special license plates except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon registration of a motor vehicle.

(6) Any unauthorized use of the special placard or the special license plate is a misdemeanor.

(7) It is a ~~((traffic))~~ parking infraction, with a monetary penalty of ~~((fifty))~~ one hundred seventy-five dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for physically disabled persons without a special license plate or placard. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the special license plate or placard required under this section. A local jurisdiction providing on-street parking places reserved for physically disabled persons may impose by ordinance time restrictions on the use of these parking places.

(8) The ~~((portion of a))~~ penalty imposed under subsection (7) of this section ~~((that is retained by a local jurisdiction under RCW 3.46.120, 3.50.100, 3.62.020, 3.62.040, or 35.20.220))~~ shall be used by that local jurisdiction exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the local jurisdiction for any costs it may have incurred in removal and storage of the improperly parked vehicle.

(9) It is a misdemeanor for any person to willfully obtain a special license plate or placard in a manner other than that established under this section.

**Sec. 2.** RCW 46.08.150 and 1961 c 12 s 46.08.150 are each amended to read as follows:

The director of general administration shall have power to devise and promulgate rules and regulations for the control of vehicular and pedestrian traffic and the parking of motor vehicles on the state capitol grounds. However, the monetary penalty for parking a motor vehicle without a valid special license plate or placard in a parking place reserved for physically disabled persons shall

be the same as provided in RCW 46.16.381. Such rules and regulations shall be promulgated by publication in one issue of a newspaper published at the state capitol and shall be given such further publicity as the director may deem proper.

Passed the Senate April 23, 1995.

Passed the House April 23, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

**CHAPTER 385**

[Substitute Senate Bill 5905]

**PERSISTENT PRISON MISBEHAVIOR**

AN ACT Relating to persistent prison misbehavior; reenacting and amending RCW 9.94A.320; adding a new section to chapter 9.94 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 9.94 RCW to read as follows:

(1) An inmate of a state correctional institution who is serving a sentence for an offense committed on or after August 1, 1995, commits the crime of persistent prison misbehavior if the inmate knowingly commits a serious infraction, that does not constitute a class A or class B felony, after losing all potential earned early release time credit.

(2) "Serious infraction" means misconduct that has been designated as a serious infraction by department of corrections rules adopted under RCW 72.09.130.

(3) "State correctional institution" has the same meaning as in RCW 9.94.049.

(4) The crime of persistent prison misbehavior is a class C felony punishable as provided in RCW 9A.20.021. The sentence imposed for this crime must be served consecutive to any sentence being served at the time the crime is committed.

Sec. 2. RCW 9.94A.320 and 1994 sp.s. c 7 s 510, 1994 c 275 s 20, and 1994 c 53 s 2 are each reenacted and amended to read as follows:

**TABLE 2**

**CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL**

XV	Aggravated Murder I (RCW 10.95.020)
XIV	Murder 1 (RCW 9A.32.030) Homicide by abuse (RCW 9A.32.055)
XIII	Murder 2 (RCW 9A.32.050)
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120)

- XI Rape 1 (RCW 9A.44.040)  
Rape of a Child 1 (RCW 9A.44.073)
- X Kidnapping 1 (RCW 9A.40.020)  
Rape 2 (RCW 9A.44.050)  
Rape of a Child 2 (RCW 9A.44.076)  
Child Molestation 1 (RCW 9A.44.083)  
Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))  
Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406)  
Leading Organized Crime (RCW 9A.82.060(1)(a))
- IX Assault of a Child 2 (RCW 9A.36.130)  
Robbery 1 (RCW 9A.56.200)  
Manslaughter 1 (RCW 9A.32.060)  
Explosive devices prohibited (RCW 70.74.180)  
Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))  
Endangering life and property by explosives with threat to human being (RCW 70.74.270)  
Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)  
Controlled Substance Homicide (RCW 69.50.415)  
Sexual Exploitation (RCW 9.68A.040)  
Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))  
Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson I (RCW 9A.48.020)  
Promoting Prostitution 1 (RCW 9A.88.070)  
Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)

- Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
- Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
- Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- Introducing Contraband 1 (RCW 9A.76.140)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
- Child Molestation 2 (RCW 9A.44.086)
- Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- Involving a minor in drug dealing (RCW 69.50.401(f))
- VI Bribery (RCW 9A.68.010)
- Manslaughter 2 (RCW 9A.32.070)
- Rape of a Child 3 (RCW 9A.44.079)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
- Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
- Incest 1 (RCW 9A.64.020(1))
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) (RCW 69.50.401(a)(1)(i))
- Intimidating a Judge (RCW 9A.72.160)
- Bail Jumping with Murder I (RCW 9A.76.170(2)(a))

- V      Persistent prison misbehavior (RCW 9.94.—  
           (section 1 of this act))  
 Criminal Mistreatment 1 (RCW 9A.42.020)  
 Theft of a Firearm (RCW 9A.56.300)  
 Reckless Endangerment 1 (RCW 9A.36.045)  
 Rape 3 (RCW 9A.44.060)  
 Sexual Misconduct with a Minor 1 (RCW  
     9A.44.093)  
 Child Molestation 3 (RCW 9A.44.089)  
 Kidnapping 2 (RCW 9A.40.030)  
 Extortion 1 (RCW 9A.56.120)  
 Incest 2 (RCW 9A.64.020(2))  
 Perjury 1 (RCW 9A.72.020)  
 Extortionate Extension of Credit (RCW  
     9A.82.020)  
 Advancing money or property for extortion-  
     ate extension of credit (RCW  
     9A.82.030)  
 Extortionate Means to Collect Extensions of  
     Credit (RCW 9A.82.040)  
 Rendering Criminal Assistance 1 (RCW  
     9A.76.070)  
 Bail Jumping with class A Felony (RCW  
     9A.76.170(2)(b))  
 Sexually Violating Human Remains (RCW  
     9A.44.105)  
 Delivery of imitation controlled substance by  
     person eighteen or over to person under  
     eighteen (RCW 69.52.030(2))
- IV     Residential Burglary (RCW 9A.52.025)  
 Theft of Livestock 1 (RCW 9A.56.080)  
 Robbery 2 (RCW 9A.56.210)  
 Assault 2 (RCW 9A.36.021)  
 Escape 1 (RCW 9A.76.110)  
 Arson 2 (RCW 9A.48.030)  
 Bribing a Witness/Bribe Received by Wit-  
     ness (RCW 9A.72.090, 9A.72.100)  
 Malicious Harassment (RCW 9A.36.080)  
 Threats to Bomb (RCW 9.61.160)  
 Willful Failure to Return from Furlough  
     (RCW 72.66.060)  
 Hit and Run — Injury Accident (RCW  
     46.52.020(4))  
 Vehicular Assault (RCW 46.61.522)



- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana or methamphetamines) (RCW 69.50.401(a)(1)(ii) through (iv))
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Criminal Mistreatment 2 (RCW 9A.42.030)
- Extortion 2 (RCW 9A.56.130)
- Unlawful Imprisonment (RCW 9A.40.040)
- Assault 3 (RCW 9A.36.031)
- Assault of a Child 3 (RCW 9A.36.140)
- Custodial Assault (RCW 9A.36.100)
- Unlawful possession of firearm or pistol by felon (RCW 9.41.040)
- Harassment (RCW 9A.46.020)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- Burglary 2 (RCW 9A.52.030)
- Introducing Contraband 2 (RCW 9A.76.150)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Escape 2 (RCW 9A.76.120)
- Perjury 2 (RCW 9A.72.030)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
- Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))

- Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of livestock 2 (RCW 9A.56.080)
- Securities Act violation (RCW 21.20.400)
- II Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Possession of phencyclidine (PCP) (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
- Escape from Community Custody (RCW 72.09.310)
- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or

Non-narcotic from Schedule I-V (except phencyclidine) (RCW 69.50.401(d))

Passed the Senate April 19, 1995.

Passed the House April 12, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

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## CHAPTER 386

[Engrossed Substitute Senate Bill 5943]

### CONVENTION AND TRADE CENTERS

AN ACT Relating to convention and trade centers; amending RCW 67.28.182, 67.28.240, 67.40.020, 67.40.040, 67.40.045, and 67.40.090; reenacting and amending RCW 67.28.180; adding new sections to chapter 67.40 RCW; repealing RCW 67.28.250; and declaring an emergency.

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

**NEW SECTION.** **Sec. 1.** (1) The governing body of a city, while not required by legislative mandate to do so, may, after July 1, 1995, by resolution or ordinance for the purposes authorized under sections 5 and 7 of this act, fix and impose a sales tax on the charge for rooms to be used for lodging by transients in accordance with the terms of chapter . . . , Laws of 1995 (this act). Such tax shall be collected from those persons who are taxable by the state under RCW 67.40.090, but only those taxable persons located within the boundaries of the city imposing the tax. The rate of such tax imposed by a city shall be two percent of the charge for rooms to be used for lodging by transients. Any such tax imposed under this section shall not be collected prior to January 1, 2000. The tax authorized under this section shall be levied and collected in the same manner as those taxes authorized under chapter 82.14 RCW. Penalties, receipts, abatements, refunds, and all other similar matters relating to the tax shall be as provided in chapter 82.08 RCW.

(2) The tax levied under this section shall remain in effect and not be modified for that period for which the principal and interest obligations of state bonds issued to finance the expansion of the state convention and trade center under RCW 67.40.030 remain outstanding.

(3) As used in this section, the term "city" means a municipality that has within its boundaries a convention and trade facility as defined in RCW 67.40.020.

**NEW SECTION.** **Sec. 2.** When remitting sales tax receipts to the state under RCW 82.14.050, the city treasurer, or its designee, shall at the same time remit the sales taxes collected under section 1 of this act for the municipality. The sum so collected and paid over on behalf of the municipality shall be credited against the amount of the tax otherwise due to the state from those same taxpayers under RCW 82.08.020(1).

**NEW SECTION.** Sec. 3. (1) The cities shall contract, prior to the effective date of a resolution or ordinance imposing a sales tax under section 1 of this act, the administration and collection of the local option sales tax to the state department of revenue at no cost to the municipality. The tax authorized by chapter . . . , Laws of 1995 (this act) which is collected by the department of revenue shall be deposited by the state into the account created under RCW 67.40.040 in the state treasury.

(2) The sales tax authorized under section 1 of this act shall be due and payable in the same manner as those taxes authorized under RCW 82.14.030.

**NEW SECTION.** Sec. 4. The state sales tax on construction performed under section 5 of this act collected by the department of revenue under chapter 82.08 RCW shall be deposited by the state into the account created under RCW 67.40.040 in the state treasury.

**NEW SECTION.** Sec. 5. All taxes levied and collected under section 1 of this act shall be credited to the state convention and trade center account in the state treasury and used solely by the corporation formed under RCW 67.40.020 for the purpose of paying all or any part of the cost associated with: The financing, design, acquisition, construction, equipping, operating, maintaining, and reequipping of convention center facilities related to the expansion recommended by the convention center expansion and city facilities task force created under section 148, chapter 6, Laws of 1994 sp. sess.; the acquisition, construction, and relocation costs of replacement housing; and the repayment of loans and advances from the state, including loans authorized previously under this chapter, or to pay or secure the payment of all or part of the principal of or interest on any state bonds issued for purposes authorized under this chapter.

**NEW SECTION.** Sec. 6. Upon the effective date of this act, the corporation may proceed with preliminary design and planning activities, environmental studies, and real estate appraisals for convention center improvements. No other expenditures may be made in support of the expansion project recommended by the convention center expansion and city facilities task force created under section 148, chapter 6, Laws of 1994 sp. sess. prior to acceptance by the board of directors of the corporation of an irrevocable commitment for funding from public or private participants consistent with the expansion development study task force recommendations report dated December 1994.

**NEW SECTION.** Sec. 7. (1) Moneys received from any tax imposed under section 1 of this act shall be used for the purpose of providing funds to the corporation for the costs associated with paying all or any part of the cost associated with: The financing, design, acquisition, construction, equipping, operating, maintaining, and reequipping of convention center facilities; the acquisition, construction, and relocation costs of replacement housing; and repayment of loans and advances from the state, including loans authorized previously under this chapter, or to pay or secure the payment of all or part of

the principal of or interest on any state bonds issued for purposes authorized under this chapter.

(2) If any of the revenue from any local sales tax authorized under section 1 of this act shall have been encumbered or pledged by the state to secure the payment of any state bonds as authorized under RCW 67.40.030, then as long as that agreement or pledge shall be in effect, the legislature shall not withdraw from the municipality the authority to levy and collect the tax or the tax credit authorized under sections 1 and 2 of this act.

**Sec. 8.** RCW 67.28.180 and 1991 c 363 s 139 and 1991 c 336 s 1 are each reenacted and amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: **PROVIDED**, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this section upon the same taxable event.

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of (a) of this subsection, to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160: **PROVIDED**, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used: (i) In any county with a population of one million or more, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; or (ii) in other counties, for county-owned facilities for agricultural promotion. A county is exempt under

this subsection in respect to city revenue or general obligation bonds issued after April 1, 1991, only if such bonds mature before January 1, 2013.

As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county.

(c) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt: PROVIDED, That in the event that any city in such county has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as ~~((and to the extent that))~~ the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be subject to the following:

(a) Taxes collected under this section in any calendar year in excess of five million three hundred thousand dollars shall only be used as follows:

(i) Seventy-five percent from January 1, 1992, through December 31, 2000, and seventy percent from January 1, 2001, through December 31, 2012, for art museums, cultural museums, heritage museums, the arts, and the performing arts. Moneys spent under this subsection (3)(a)(i) shall be used for the purposes of this subsection (3)(a)(i) in all parts of the county.

(ii) Twenty-five percent from January 1, 1992, through December 31, 2000, and thirty percent from January 1, 2001, through December 31, 2012, for the following purposes and in a manner reflecting the following order of priority: Stadium capital improvements, as defined in subsection (2)(b) of this section; acquisition of open space lands; youth sports activities; and tourism promotion.

(b) At least seventy percent of moneys spent under (a)(i) of this subsection for the period January 1, 1992, through December 31, 2000, shall be used only for the purchase, design, construction, and remodeling of performing arts, visual arts, heritage, and cultural facilities, and for the purchase of fixed assets that will benefit art, heritage, and cultural organizations. For purposes of this subsection, fixed assets are tangible objects such as machinery and other equipment intended to be held or used for ten years or more. Moneys received under this subsection

(3)(b) may be used for payment of principal and interest on bonds issued for capital projects. Qualifying organizations receiving moneys under this subsection

(3)(b) must be financially stable and have at least the following:

- (i) A legally constituted and working board of directors;
- (ii) A record of artistic, heritage, or cultural accomplishments;
- (iii) Been in existence and operating for at least two years;
- (iv) Demonstrated ability to maintain net current liabilities at less than thirty percent of general operating expenses;
- (v) Demonstrated ability to sustain operational capacity subsequent to completion of projects or purchase of machinery and equipment; and
- (vi) Evidence that there has been independent financial review of the organization.

(c) At least forty percent of the revenues distributed pursuant to (a)(i) of this subsection for the period January 1, 2001, through December 31, 2012, shall be deposited in an account and shall be used to establish an endowment. Principal in the account shall remain permanent and irreducible. The earnings from investments of balances in the account may only be used for the purposes of (a)(i) of this subsection.

(d) School districts and schools shall not receive revenues distributed pursuant to (a)(i) of this subsection.

(e) Moneys distributed to art museums, cultural museums, heritage museums, the arts, and the performing arts, and moneys distributed for tourism promotion shall be in addition to and may not be used to replace or supplant any other funding by the legislative body of the county.

(f) As used in this section, "tourism promotion" includes activities intended to attract visitors for overnight stays, arts, heritage, and cultural events, and recreational, professional, and amateur sports events. Moneys allocated to tourism promotion in a class AA county shall be allocated to nonprofit organizations formed for the express purpose of tourism promotion in the county. Such organizations shall use moneys from the taxes to promote events in all parts of the class AA county.

(g) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

(h) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

(i) If ~~((a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if))~~ a public stadium is sold that

is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired.

(j) The county shall not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)(j) does not apply to contracts in existence on April 1, 1986.

If a court of competent jurisdiction declares any provision of this subsection (3) invalid, then that invalid provision shall be null and void and the remainder of this section is not affected.

Sec. 9. RCW 67.28.182 and 1987 c 483 s 2 are each amended to read as follows:

(1) The legislative body of ~~((Pierce))~~ any county with a population of over five hundred thousand but less than one million, within which is a national park, and the ~~((councils))~~ legislative bodies of cities in ~~((Pierce county))~~ these counties are each authorized to levy and collect a special excise tax of not to exceed ~~((two))~~ five percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any county ordinance or resolution adopted under this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed under this section upon the same taxable event.

(3) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the county or city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section.

(4) All taxes levied and collected under this section shall be credited to a special fund in the treasury of the county or city. Such taxes shall be levied ~~((only))~~ as follows: (a) At least two percent for the purpose of visitor and convention promotion and development, including marketing of local convention facilities; and (b) at least three percent for the acquisition, construction, expansion, marketing, management, and financing of convention facilities, and facilities necessary to support major tourism destination attractions that serve a minimum of one million visitors per year. Until withdrawn for use, the moneys accumulated in such fund may be invested in interest bearing securities by the county or city treasurer in any manner authorized by law.



**Sec. 10.** RCW 67.28.240 and 1993 sp.s. c 16 s 3 are each amended to read as follows:

(1) The legislative body of a county that qualified under RCW 67.28.180(2)(b) other than a county with a population of one million or more and the legislative bodies of cities in the qualifying county are each authorized to levy and collect a special excise tax of three percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) No ~~((city may impose the special excise tax authorized in subsection (1) of this section during the time the city is imposing the tax under RCW 67.28.180, and no))~~ county may impose the special excise tax authorized in subsection (1) of this section until such time as those cities within the county containing at least one-half of the total incorporated population have imposed the tax.

(3) Any county ordinance or resolution adopted under this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed under this section upon the same taxable event.

(4) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the county or city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section.

NEW SECTION. **Sec. 11.** RCW 67.28.250 and 1992 c 156 s 2 & 1988 ex.s. c 1 s 22 are each repealed.

**Sec. 12.** RCW 67.40.020 and 1993 c 500 s 9 are each amended to read as follows:

(1) The governor is authorized to form a public nonprofit corporation in the same manner as a private nonprofit corporation is formed under chapter 24.03 RCW. The public corporation shall be an instrumentality of the state and have all the powers and be subject to the same restrictions as are permitted or prescribed to private nonprofit corporations, but shall exercise those powers only for carrying out the purposes of this chapter and those purposes necessarily implied therefrom. The governor shall appoint a board of nine directors for the corporation who shall serve terms of six years, except that two of the original directors shall serve for two years and two of the original directors shall serve for four years. After January 1, 1991, at least one position on the board shall be filled by a member representing management in the hotel or motel industry subject to taxation under RCW 67.40.090. The directors may provide for the payment of their expenses. The corporation may ~~((cause a state convention and~~

trade center with an overall size of approximately three hundred thousand square feet to be designed and constructed on a site in the city of Seattle. In acquiring, designing, and constructing the state convention and trade center, the corporation shall consider the recommendations and proposals issued on December 11, 1981, by the joint select committee on the state convention and trade center)) acquire, construct, expand, and improve the state convention and trade center within the city of Seattle. Notwithstanding the provisions of subsection (2) of this section, the corporation may acquire, lease, sell, or otherwise encumber property rights, including but not limited to development or condominium rights, deemed by the corporation as necessary for facility expansion.

(2) The corporation may acquire and transfer real and personal property by lease, sublease, purchase, or sale, and further acquire property by condemnation of privately owned property or rights to and interests in such property pursuant to the procedure in chapter 8.04 RCW. However, acquisitions and transfers of real property, other than by lease, may be made only if the acquisition or transfer is approved by the director of financial management in consultation with the chairpersons of the appropriate fiscal committees (~~(on ways and means)~~) of the senate and house of representatives. The corporation may accept gifts or grants, request the financing provided for in RCW 67.40.030, cause the state convention and trade center facilities to be constructed, and do whatever is necessary or appropriate to carry out those purposes. Upon approval by the director of financial management in consultation with the chairpersons of the (~~(ways and means)~~) appropriate fiscal committees of the house of representatives and the senate, the corporation may enter into lease and sublease contracts for a term exceeding the fiscal period in which these lease and sublease contracts are made. The terms of sale or lease of properties acquired by the corporation on February 9, 1987, pursuant to the property purchase and settlement agreement entered into by the corporation on June 12, 1986, including the McKay parcel which the corporation is contractually obligated to sell under that agreement, shall also be subject to the approval of the director of financial management in consultation with the chairpersons of the (~~(ways and means)~~) appropriate fiscal committees of the house of representatives and the senate. No approval by the director of financial management is required for leases of individual retail space, meeting rooms, or convention-related facilities. In order to allow the corporation flexibility to secure appropriate insurance by negotiation, the corporation is exempt from RCW 48.30.270. The corporation shall maintain, operate, promote, and manage the state convention and trade center.

(3) In order to allow the corporation flexibility in its personnel policies, the corporation is exempt from chapter 41.06 RCW, chapter 41.05 RCW, RCW 43.01.040 through 43.01.044, chapter 41.04 RCW and chapter 41.40 RCW.

**Sec. 13.** RCW 67.40.040 and 1991 sp.s. c 13 s 11 are each amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, proceeds of the (~~(taxes)~~) taxes imposed under RCW 67.40.090 and section 1 of this

act, 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, and those expenditures authorized under section 5 of this act 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) 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 expenditures authorized in section 5 of this act;

(iii) For acquisition, design, and construction of the state convention and trade center; and

~~((iii))~~ (iv) 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.

(3) The corporation shall identify with specificity those facilities of the state convention and trade center that are to be financed with proceeds of general obligation bonds, the interest on which is intended to be excluded from gross income for federal income tax purposes. The corporation shall not permit the extent or manner of private business use of those bond-financed facilities to be inconsistent with treatment of such bonds as governmental bonds under applicable provisions of the Internal Revenue Code of 1986, as amended.

(4) In order to ensure consistent treatment of bonds authorized under RCW 67.40.030 with applicable provisions of the Internal Revenue Code of 1986, as amended, and notwithstanding RCW 43.84.092, investment earnings on bond proceeds deposited in the state convention and trade center account in the state treasury shall be retained in the account, and shall be expended by the corporation for the purposes authorized under chapter . . . , Laws of 1995 (this act) and in a manner consistent with applicable provisions of the Internal Revenue Code of 1986, as amended.

**Sec. 14.** RCW 67.40.045 and 1993 sp.s. c 12 s 9 are each amended to read as follows:

(1) The director of financial management, in consultation with the chairpersons of the ~~((ways and means))~~ appropriate fiscal 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, (~~1997~~) 1999, 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, for development of low-income housing, for development, construction,

and administrative costs related to completion of the state convention and trade center, including settlement costs related to construction litigation, and for partially refunding obligations under the parking garage revenue note issued by the corporation to Industrial Indemnity Company in connection with the agreement and settlement identified in (a) of this subsection, from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090. All proceeds from any sale of the McKay parcel shall be deposited in the state convention and trade center account and shall not be expended without appropriation by law;

(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; and

(i) The proceeds of the sale of any properties owned by the state convention and trade center that are not planned for use for state convention and trade center operations, with the proceeds to be used for development, construction, and administrative costs related to completion of the state convention and trade center, including settlement costs related to construction litigation.

(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.

(6) For expenditures authorized under section 5 of this act, the corporation may use the proceeds of the special excise tax authorized under RCW 67.40.090, the sales tax authorized under section 1 of this act, contributions to the corporation from public or private participants, and investment earnings on any of the funds listed in this subsection.

**Sec. 15.** RCW 67.40.090 and 1991 c 2 s 3 are each amended to read as follows:

(1) Commencing April 1, 1982, there is imposed, and the department of revenue shall collect, in King county a special excise tax 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. It shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes rental or lease of real property and not a mere license to use or enjoy the same. The legislature on behalf of the state pledges to maintain and continue this tax until the bonds authorized by this chapter are fully redeemed, both principal and interest.

(2) The rate of the tax imposed under this section shall be as provided in this subsection.

(a) From April 1, 1982, through December 31, 1982, inclusive, the rate shall be three percent in the city of Seattle and two percent in King county outside the city of Seattle.

(b) From January 1, 1983, through June 30, 1988, inclusive, the rate shall be five percent in the city of Seattle and two percent in King county outside the city of Seattle.

(c) From July 1, 1988, through December 31, 1992, inclusive, the rate shall be six percent in the city of Seattle and two and four-tenths percent in King county outside the city of Seattle.

(d) From January 1, 1993, and until ((the change date)) bonds and all other borrowings authorized under RCW 67.40.030 are retired, the rate shall be seven percent in the city of Seattle and two and eight-tenths percent in King county outside the city of Seattle.

(e) Except as otherwise provided in (d) of this subsection, on and after the change date, the rate shall be six percent in the city of Seattle and two and four-tenths percent in King county outside the city of Seattle.

(f) As used in this section, "change date" means the October 1st next occurring after certification occurs under (g) of this subsection.

(g) On August 1st of 1998 and of each year thereafter until certification occurs under this subsection, the state treasurer shall determine whether seventy-one and forty-three one-hundredths percent of the revenues actually collected and deposited with the state treasurer for the tax imposed under this section during the twelve months ending June 30th of that year, excluding penalties and interest, exceeds the amount actually paid in debt service during the same period for bonds issued under RCW 67.40.030 by at least two million dollars. If so, the state treasurer shall so certify to the department of revenue.

(3) The proceeds of the special excise tax shall be deposited as provided in this subsection.

(a) Through June 30, 1988, inclusive, all proceeds shall be deposited in the state convention and trade center account.

(b) From July 1, 1988, through December 31, 1992, inclusive, eighty-three and thirty-three one-hundredths percent of the proceeds shall be deposited in the state convention and trade center account. The remainder shall be deposited in the state convention and trade center operations account.

(c) From January 1, 1993, until the change date, eighty-five and seventy-one-hundredths percent of the proceeds shall be deposited in the state convention and trade center account. The remainder shall be deposited in the state convention and trade center operations account.

(d) On and after the change date, eighty-three and thirty-three one-hundredths percent of the proceeds shall be deposited in the state convention and trade center account. The remainder shall be deposited in the state convention and trade center operations account.

(4) Chapter 82.32 RCW applies to the tax imposed under this section.

**NEW SECTION.** Sec. 16. Sections 1 through 7 of this act are each added to chapter 67.40 RCW.

**NEW SECTION.** Sec. 17. 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. 18. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 23, 1995.

Passed the House April 13, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 387

[Senate Bill 5990]

### PAYMENT OF EXCESS COMPENSATION—PUBLIC NOTICE REQUIREMENTS

AN ACT Relating to requiring public notice prior to entering into agreements to pay certain types of excess compensation; and adding a new section to chapter 41.50 RCW.

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

**NEW SECTION.** Sec. 1. A new section is added to chapter 41.50 RCW to read as follows:

(1) Except as limited by subsection (3) of this section, the governing body of an employer under chapter 41.32 or 41.40 RCW shall comply with the provisions of subsection (2) of this section prior to executing a contract or collective bargaining agreement with members under chapter 41.32 or 41.40 RCW which provides for:

(a) A cash out of unused annual leave in excess of two hundred forty hours of such leave. "Cash out" for purposes of this subsection means any payment in lieu of an accrual of annual leave or any payment added to regular salary, concurrent with a reduction of annual leave;

(b) A cash out of any other form of leave;

(c) A payment for, or in lieu of, any personal expense or transportation allowance;

(d) The portion of any payment, including overtime payments, that exceeds twice the regular rate of pay; or

(e) Any other termination or severance payment.

(2) Any governing body entering into a contract that includes a compensation provision listed in subsection (1) of this section shall do so only after public notice in compliance with the open public meetings act, chapter 42.30 RCW. This notification requirement may be accomplished as part of the approval process for adopting a contract in whole, and does not require separate or additional open public meetings. At the public meeting, full disclosure shall be

made of the nature of the proposed compensation provision, and the employer's estimate of the excess compensation billings under RCW 41.50.150 that the employing entity would have to pay as a result of the proposed compensation provision. The employer shall notify the department of its compliance with this section at the time the department bills the employer under RCW 41.40.150 for the pension impact of compensation provisions listed in subsection (1) of this section that are adopted after the effective date of this act.

(3) The requirements of subsection (2) of this section shall not apply to the adoption of a compensation provision listed in subsection (1) of this section if the compensation would not be includable in calculating benefits under chapter 41.32 or 41.40 RCW for the employees covered by the compensation provision.

Passed the Senate April 22, 1995.

Passed the House April 21, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 388

[Engrossed Senate Bill 6037]

### INDEPENDENT REGULATORY OVERSIGHT COMMISSION STUDY

AN ACT Relating to the creation of the Washington independent regulatory affairs commission; and adding new sections.

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

**NEW SECTION.** **Sec. 1.** The legislature finds that the proliferation and complexity of state agency rules requires oversight beyond that which is currently provided by the legislative, executive, and judicial branches of government. The legislature further finds that some states have created independent commissions to oversee the regulatory process, and that this type of commission may have merit in Washington's system of regulatory oversight.

**NEW SECTION.** **Sec. 2.** The senate and house of representatives government operations committees shall conduct a joint interim study on the advisability of creating an independent commission to provide oversight of the state's regulatory system. The study may include an examination of the appropriate roles for the legislative, executive, and judicial branches of government in the oversight of rule making. The study may also include an analysis of the costs of creating an independent commission and the benefits to be obtained. The committees may examine the possible functions of an independent commission, including its role in the systematic review of existing agency rules for compliance with the determinations contained in section 201, chapter . . . , Laws of 1995 (section 201 of Engrossed Substitute House Bill No. 1010). The committees shall report their recommendations to the legislature by January 1, 1996.



Passed the Senate April 19, 1995.  
Passed the House April 14, 1995.  
Approved by the Governor May 16, 1995.  
Filed in Office of Secretary of State May 16, 1995.

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## CHAPTER 389

[Substitute Senate Bill 5854]

### WOMEN'S HEALTH CARE SERVICES

AN ACT Relating to women's health care; and adding a new section to chapter 48.42 RCW. Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. I.** A new section is added to chapter 48.42 RCW to read as follows:

(1) For purposes of this section, health care carriers includes disability insurers regulated under chapter 48.20 or 48.21 RCW, health care services contractors regulated under chapter 48.44 RCW, health maintenance organizations regulated under chapter 48.46 RCW, plans operating under the health care authority under chapter 41.05 RCW, the state health insurance pool operating under chapter 48.41 RCW, and insuring entities regulated under chapter 48.43 RCW.

(2) For purposes of this section and consistent with their lawful scopes of practice, types of health care practitioners that provide women's health care services shall include, but need not be limited by a health care carrier to, the following: Any generally recognized medical specialty of practitioners licensed under chapter 18.57 or 18.71 RCW who provides women's health care services; practitioners licensed under chapters 18.57A and 18.71A RCW when providing women's health care services; and advanced registered nurse practitioner specialists in women's health and midwifery under chapter 18.79 RCW.

(3) For purposes of this section, women's health care services shall include, but need not be limited by a health care carrier to, the following: Maternity care; reproductive health services; gynecological care; general examination; and preventive care as medically appropriate and medically appropriate follow-up visits for the services listed in this subsection.

(4) Health care carriers shall ensure that enrolled female patients have direct access to timely and appropriate covered women's health care services from the type of health care practitioner of their choice in accordance with subsection (5) of this section.

(5)(a) Health care carrier policies, plans, and programs written, amended, or renewed after the effective date of this act shall provide women patients with direct access to the type of health care practitioner of their choice for appropriate covered women's health care services without the necessity of prior referral from another type of health care practitioner.

(b) Health care carriers may comply with this section by including all the types of health care practitioners listed in this section for women's health care services for women patients.

(c) Nothing in this section shall prevent health care carriers from restricting women patients to seeing only health care practitioners who have signed participating provider agreements with the health care carrier.

Passed the Senate April 23, 1995.

Passed the House April 23, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 390

[Engrossed Second Substitute House Bill 1009]

### COMMISSION ON PESTICIDE REGISTRATION

AN ACT Relating to the commission on pesticide registration; amending RCW 15.92.010 and 15.92.060; and adding new sections to chapter 15.92 RCW.

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

**NEW SECTION.** Sec. 1. A new section is added to chapter 15.92 RCW to read as follows:

(1) A commission on pesticide registration is established. The commission shall be composed of twelve voting members appointed by the governor as follows:

(a) Eight members from the following segments of the state's agricultural industry as nominated by a state-wide private agricultural association or agricultural commodity commission formed under Title 15 RCW: (i) The tree fruit industry; (ii) hop growers; (iii) potato growers; (iv) wheat growers; (v) vegetable and seed growers; (vi) berry growers; (vii) wine grape growers; and (viii) the nursery and landscape industry. Although members are appointed from various segments of the agriculture industry, they are appointed to represent and advance the interests of the industry as a whole.

(b) One member from each of the following: (i) Forest protection industry; (ii) food processors; (iii) agricultural chemical industry; and (iv) professional pesticide applicators. One member shall be appointed for each such segment of the industry and shall be nominated by a state-wide, private association of that segment of the industry. The representative of the agricultural chemical industry shall be involved in the manufacture of agricultural crop protection products.

The following shall be ex officio, nonvoting members of the commission: The coordinator of the interregional project number four at Washington State University; the director of the department of ecology or the director's designee; the director of the department of agriculture or the director's designee; the director of the department of labor and industries or the director's designee, and the secretary of the department of health or the secretary's designee.

(2) Each voting member of the commission shall serve a term of three years. However, the first appointments in the first year shall be made by the governor for one, two, and three-year terms so that, in subsequent years, approximately one-third of the voting members shall be appointed each year. The governor shall assign the initial one, two, and three-year terms to members by lot. A vacancy shall be filled by appointment for the unexpired term in the same manner provided for an appointment to the full term. No member of the commission may be removed by the governor during his or her term of office unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office. Each member of the commission shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 for attending meetings of the commission and for performing special duties, in the way of official commission business, specifically assigned to the person by the commission. The voting members of the commission serve without compensation from the state other than such travel expenses.

(3) Nominations for the initial appointments to the commission under subsection (1) of this section shall be submitted by September 1, 1995. The governor shall make initial appointments to the commission by October 15, 1995.

(4) The commission shall elect a chair from among its voting members each calendar year. After its original organizational meeting, the commission shall meet at the call of the chair. A majority of the voting members of the commission constitutes a quorum and an official action of the commission may be taken by a majority vote of the voting members.

NEW SECTION. Sec. 2. A new section is added to chapter 15.92 RCW to read as follows:

(1) The following apply to the use of state moneys appropriated to Washington State University specifically and expressly for studies or activities regarding the registration of pesticides:

(a) The moneys may not be expended without the express approval of the commission on pesticide registration;

(b) The moneys may be used for: (i) Evaluations, studies, or investigations approved by the commission on pesticide registration regarding the registration or reregistration of pesticides for minor crops or minor uses or regarding the availability of pesticides for emergency uses. These evaluations, studies, or investigations may be conducted by the food and environmental quality laboratory or may be secured by the commission from other qualified laboratories, researchers, or contractors by contract, which contracts may include, but are not limited to, those purchasing the use of proprietary information; (ii) the tracking system described in RCW 15.92.060; and (iii) the support of the commission on pesticide registration and its activities; and

(c) Not less than twenty-five percent of such moneys shall be dedicated to studies or investigations concerning the registration or use of pesticides for crops that are not among the top twenty agricultural commodities in production value

produced in the state, as determined annually by the Washington agricultural statistics service.

(2) The commission on pesticide registration shall establish priorities to guide it in approving the use of moneys for evaluations, studies, and investigations under this section. Each biennium, the commission shall prepare a contingency plan for providing funding for laboratory studies or investigations that are necessary to pesticide registrations or related processes that will address emergency conditions for agricultural crops that are not generally predicted at the beginning of the biennium.

NEW SECTION. Sec. 3. A new section is added to chapter 15.92 RCW to read as follows:

The commission on pesticide registration shall:

(1) Provide guidance to the food and environmental quality laboratory established in RCW 15.92.050 regarding the laboratory's studies, investigations, and evaluations concerning the registration of pesticides for use in this state for minor crops and minor uses and concerning the availability of pesticides for emergency uses;

(2) Encourage agricultural organizations to assist in providing funding, in-kind services, or materials for laboratory studies and investigations concerning the registration of pesticides for minor crops and minor uses that would benefit the organizations;

(3) Provide guidance to the laboratory regarding a program for: Tracking the availability of effective pesticides for minor crops, minor uses, and emergency uses; providing this information to organizations of agricultural producers; and maintaining close contact between the laboratory, the department of agriculture, and organizations of agricultural producers regarding the need for research to support the registration of pesticides for minor crops and minor uses and the availability of pesticides for emergency uses;

(4) Ensure that the activities of the commission and the laboratory are coordinated with the activities of other laboratories in the Pacific Northwest, the United States department of agriculture, and the United States environmental protection agency to maximize the effectiveness of regional efforts to assist in the registration of pesticides for minor crops and minor uses and in providing for the availability of pesticides for emergency uses for the region and the state; and

(5) Ensure that prior to approving any residue study that there is written confirmation of registrant support and willingness or ability to add the given minor crop to its label including any restrictions or guidelines the registrant intends to impose.

Sec. 4. RCW 15.92.010 and 1991 c 341 s 2 are each amended to read as follows:

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

(1) "Agricultural commodity" means any distinctive type of agricultural, horticultural, viticultural, floricultural, vegetable, or animal product, including but not limited to, products qualifying as organic food products under chapter 15.86 RCW, private sector cultured aquatic products as defined in RCW 15.85.020, bees and honey, and Christmas trees but not including timber or timber products.

(2) "Center" means the center for sustaining agriculture and natural resources established at Washington State University.

~~((2))~~ (3) "Laboratory" means the food and environmental quality laboratory established at Washington State University at Tri-Cities.

~~((3))~~ (4) "Integrated pest management" is a strategy that uses various combinations of pest control methods, biological, cultural, and chemical, in a compatible manner to achieve satisfactory control and ensure favorable economic and environmental consequences.

~~((4))~~ (5) "IR-4 program" means interregional research project number four, clearances of chemicals and biologics for minor or special uses, established in 1963 by the cooperative state research service of the United States department of agriculture, the coordinated national program involving land-grant universities and the United States department of agriculture to provide data required for the registration of pesticides needed for the production of minor crops.

~~((5))~~ (6) "Minor crop" means an agricultural crop considered to be minor in the national context of registering pesticides.

(7) "Minor use" means a pesticide use considered to be minor in the national context of registering pesticides including, but not limited to, a use for a special local need.

(8) "Natural resources" means soil, water, air, forests, wetlands, wildlands, and wildlife.

~~((6))~~ (9) "Pesticide" means chemical or biologic used to control pests such as insect, rodent, nematode, snail, slug, weed, virus, or any organism the director of agriculture may declare to be a pest.

~~((7))~~ (10) "Registration" means use of a pesticide approved by the state department of agriculture.

~~((8))~~ (11) "Sustainable agriculture" means a systems approach to farming, ranching, and natural resource production that builds on and supports the physical, biological, and ecological resource base upon which agriculture depends. The goals of sustainable agriculture are to provide human food and fiber needs in an economically viable manner for the agriculture industry and in a manner which protects the environment and contributes to the overall safety and quality of life.

Sec. 5. RCW 15.92.060 and 1991 c 341 s 7 are each amended to read as follows:

The responsibilities of the laboratory shall include:

(1) Evaluating regional requirements for minor crop registration through the federal IR-4 program;

(2) Providing a program for tracking the availability of effective pesticides for minor crops, minor uses, and emergency uses in this state;

(3) Conducting studies on the fate of pesticides on crops and in the environment, including soil, air, and water;

~~((3))~~ (4) Improving pesticide information and education programs; ~~(and~~  
~~(4))~~ (5) Assisting federal and state agencies with questions regarding registration of pesticides which are deemed critical to crop production, consistent with priorities established in RCW 15.92.070; and

~~((5))~~ (6) Assisting in the registration of biopesticides, pheromones, and other alternative chemical and biological methods.

NEW SECTION. Sec. 6. A new section is added to chapter 15.92 RCW to read as follows:

By December 15, 2002, the commission shall file with the legislature a report on the activities supported by the commission for the period beginning on the effective date of this act and ending on December 1, 2002. The report shall include an identification of: The priorities that have been set by the commission; the state appropriations made to Washington State University that have been within the jurisdiction of the commission; the evaluations, studies, and investigations funded in whole or in part by such moneys and the registrations and uses of pesticides made possible in large part by those evaluations, studies, and investigations; the matching moneys, in-kind services, and materials provided by agricultural organizations for those evaluations, studies, and investigations; and the program or programs for tracking pesticide availability provided by the laboratory under the guidance of the commission and the means used for providing this information to organizations of agricultural producers.

During the regular session of the legislature in the year 2003, the appropriate committees of the house of representatives and senate shall evaluate the effectiveness of the commission in fulfilling its statutory responsibilities.

NEW SECTION. Sec. 7. A new section is added to chapter 15.92 RCW to read as follows:

The commission on pesticide registration, and Washington State University on behalf of the commission, may receive such gifts, grants, and endowments from public or private sources as may be used from time to time, in trust or otherwise, for the use and benefit of the commission and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

Passed the House April 18, 1995.

Passed the Senate April 11, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 391

[Substitute House Bill 1017]

## EMERGENCY MANAGEMENT—REORGANIZATION

AN ACT Relating to emergency management; amending RCW 38.52.005, 38.52.090, 38.52.420, 38.54.010, 38.54.020, 38.54.050, 46.16.340, and 88.46.100; reenacting and amending RCW 38.52.010; adding a new section to chapter 38.52 RCW; creating new sections; providing an effective date; and declaring an emergency.

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

**Sec. 1.** RCW 38.52.005 and 1986 c 266 s 22 are each amended to read as follows:

The department (~~(of community development)~~) shall administer the comprehensive emergency management program of the state of Washington as provided for in this chapter. All local organizations, organized and performing emergency management functions pursuant to RCW 38.52.070, may change their name and be called the . . . . department/division of emergency management.

**Sec. 2.** RCW 38.52.010 and 1993 c 251 s 5 and 1993 c 206 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural or man-made, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

(2) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

(3) "Political subdivision" means any county, city or town.

(4) "Emergency worker" means any person, including but not limited to an architect registered under chapter 18.08 RCW or a professional engineer registered under chapter 18.43 RCW, who is registered with a local emergency management organization or the department (~~(of community development)~~) and holds an identification card issued by the local emergency management director or the department (~~(of community development)~~) for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

(5) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

(6)(a) "Emergency or disaster" as used in all sections of this chapter except RCW 38.52.430 shall mean an event or set of circumstances which: (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (ii) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(b) "Emergency" as used in RCW 38.52.430 means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in RCW 38.52.430.

(7) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural or man-made disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

(8) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor.

(9) "Director" means the ~~((director of community development))~~ adjutant general.

(10) "Local director" means the director of a local organization of emergency management or emergency services.

(11) "Department" means the state military department ~~((of community development))~~.

(12) "Emergency response" as used in RCW 38.52.430 means a public agency's use of emergency services during an emergency or disaster as defined in subsection (6)(b) of this section.

(13) "Expense of an emergency response" as used in RCW 38.52.430 means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, fire fighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

(14) "Public agency" means the state, and a city, county, municipal corporation, district, or public authority located, in whole or in part, within this state which provides or may provide fire fighting, police, ambulance, medical, or other emergency services.

**Sec. 3.** RCW 38.52.090 and 1987 c 185 s 6 are each amended to read as follows:

(1) The director of each local organization for emergency management may, in collaboration with other public and private agencies within this state, develop



or cause to be developed mutual aid arrangements for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state emergency management plan and program, and in time of emergency it shall be the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual aid arrangements. The (~~director of community development~~) adjutant general shall adopt and distribute a standard form of contract for use by local organizations in understanding and carrying out said mutual aid arrangements.

(2) The (~~director of community development~~) adjutant general and the director of each local organization for emergency management may, subject to the approval of the governor, enter into mutual aid arrangements with emergency management agencies or organizations in other states for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. All such arrangements shall be pursuant to either of the compacts contained in subsection (2) (a) or (b) of this section.

(a) The legislature recognizes that the compact language contained in this subsection is inadequate to meet many forms of emergencies. For this reason, after June 7, 1984, the state may not enter into any additional compacts under this subsection (2)(a).

#### INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

The contracting States solemnly agree:

Article 1. The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full and effective utilization of the resources of the respective States, including such resources as may be available from the United States Government or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the civil defense agencies or similar bodies of the States that are parties hereto. The Directors of Civil Defense (Emergency Services) of all party States shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

Article 2. It shall be the duty of each party State to formulate civil defense plans and programs for application within such State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party States shall so far

as possible provide and follow uniform standards, practices and rules and regulations including:

(a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services;

(b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces and other tests and exercises;

(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

(d) The effective screening or extinguishing of all lights and lighting devices and appliances;

(e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party State;

(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during, and subsequent to drills or attacks;

(h) The safety of public meetings or gatherings; and

(i) Mobile support units.

Article 3. Any party State requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for such State. Each party State shall extend to the civil defense forces of any other party State, while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving State), duties, rights, privileges and immunities as if they were performing their duties in the State in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the State receiving assistance.

Article 4. Whenever any person holds a license, certificate or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party State to meet an emergency or disaster and such State shall give due recognition to such license, certificate or other permit as if issued in the State in which aid is rendered.

Article 5. No party State or its officers or employees rendering aid in another State pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

Article 6. Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that appropriate among other States party hereto, this instrument contains elements of a broad base common to all States, and nothing herein contained shall preclude any State from entering into supplementary agreements with another State or States. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

Article 7. Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.

Article 8. Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding State may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party State without charge or cost; and provided further that any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any liability and reimburse the party State supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.

Article 9. Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party State of which the evacuees are residents, or by the United States Government

under plans approved by it. After the termination of the emergency or disaster the party State of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

Article 10. This compact shall be available to any State, territory or possession of the United States, and the District of Columbia. The term "State" may also include any neighboring foreign country or province or state thereof.

Article 11. The committee established pursuant to Article 1 of this compact may request the Civil Defense Agency of the United States Government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States Government may attend meetings of such committee.

Article 12. This compact shall become operative immediately upon its ratification by any State as between it and any other State or States so ratifying and shall be subject to approval by Congress unless prior Congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party States and with the Civil Defense Agency and other appropriate agencies of the United States Government.

Article 13. This compact shall continue in force and remain binding on each party State until the legislature or the Governor of such party State takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the Governor of the party State desiring to withdraw to the Governors of all other party States.

Article 14. This compact shall be construed to effectuate the purposes stated in Article 1 hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be effected thereby.

Article 15. (a) This Article shall be in effect only as among those states which have enacted it into law or in which the Governors have adopted it pursuant to constitutional or statutory authority sufficient to give it the force of law as part of this compact. Nothing contained in this Article or in any supplementary agreement made in implementation thereof shall be construed to abridge, impair or supersede any other provision of this compact or any obligation undertaken by a State pursuant thereto, except that if its terms so provide, a supplementary agreement in implementation of this Article may modify, expand or add to any such obligation as among the parties to the supplementary agreement.

(b) In addition to the occurrences, circumstances and subject matters to which preceding articles of this compact make it applicable, this compact and the authorizations, entitlements and procedures thereof shall apply to:

I. Searches for and rescue of person who are lost, marooned, or otherwise in danger.

2. Action useful in coping with disasters arising from any cause or designed to increase the capability to cope with any such disasters.

3. Incidents, or the imminence thereof, which endanger the health or safety of the public and which require the use of special equipment, trained personnel or personnel in larger numbers than are locally available in order to reduce, counteract or remove the danger.

4. The giving and receiving of aid by subdivisions of party States.

5. Exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with or prevent any disaster or other emergency to which this compact applies.

(c) Except as expressly limited by this compact or a supplementary agreement in force pursuant thereto, any aid authorized by this compact or such supplementary agreement may be furnished by any agency of a party State, a subdivision of such State, or by a joint agency providing such aid shall be entitled to reimbursement therefor to the same extent and in the same manner as a State. The personnel of such a joint agency, when rendering aid pursuant to this compact shall have the same rights, authority and immunity as personnel of party States.

(d) Nothing in this Article shall be construed to exclude from the coverage of Articles 1-15 of this compact any matter which, in the absence of this Article, could reasonably be construed to be covered thereby.

(b) The compact language contained in this subsection (2)(b) is intended to deal comprehensively with emergencies requiring assistance from other states.

### INTERSTATE MUTUAL AID COMPACT

#### Purpose

The purpose of this Compact is to provide voluntary assistance among participating states in responding to any disaster or imminent disaster, that over extends the ability of local and state governments to reduce, counteract or remove the danger. Assistance may include, but not be limited to, rescue, fire, police, medical, communication, transportation services and facilities to cope with problems which require use of special equipment, trained personnel or personnel in large numbers not locally available.

#### Authorization

Article I, Section 10 of the Constitution of the United States permits a state to enter into an agreement or compact with another state, subject to the consent of Congress. Congress, through enactment of Title 50 U.S.C. Sections 2281(g), 2283 and the Executive Department, by issuance of Executive Orders No. 10186 of December 1, 1950, encourages the states to enter into emergency, disaster and civil defense mutual aid agreements or pacts.

#### Implementation

It is agreed by participating states that the following conditions will guide implementation of the Compact:

1. Participating states through their designated officials are authorized to request and to receive assistance from a participating state. Requests will be granted only if the requesting state is committed to the mitigation of the emergency, and other resources are not immediately available.

2. Requests for assistance may be verbal or in writing. If the request is made by other than written communication, it shall be confirmed in writing as soon as practical after the request. A written request shall provide an itemization of equipment and operators, types of expertist, personnel or other resources needed. Each request must be signed by an authorized official.

3. Personnel and equipment of the aiding party made available to the requesting party shall, whenever possible, remain under the control and direction of the aiding party. The activities of personnel and equipment of the aiding party must be coordinated by the requesting party.

4. An aiding state shall have the right to withdraw some or all of their personnel and/or equipment whenever the personnel or equipment are needed by that state. Notice of intention to withdraw should be communicated to the requesting party as soon as possible.

#### General Fiscal Provisions

The state government of the requesting party shall reimburse the state government of the aiding party. It is understood that reimbursement shall be made as soon as possible after the receipt by the requesting party of an itemized voucher requesting reimbursement of costs.

1. Any party rendering aid pursuant to this Agreement shall be reimbursed by the state receiving such aid for any damage to, loss of, or expense incurred in the operation of any equipment used in responding to a request for aid, and for the cost incurred in connection with such requests.

2. Any state rendering aid pursuant to this Agreement shall be reimbursed by the state receiving such aid for the cost of payment of compensation and death benefits to injured officers, agents, or employees and their dependents or representatives in the event such officers, agents, or employees sustain injuries or are killed while rendering aid pursuant to this arrangement, provided that such payments are made in the same manner and on the same terms as if the injury or death were sustained within such state.

#### Privileges and Immunities

1. All privileges and immunities from liability, exemptions from law, ordinances, rules, all pension, relief disability, workers' compensation, and other benefits which apply to the activity of officers, agents, or employees when performing their respective functions within the territorial limits of their respective political subdivisions, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extra-territorially under the provisions of this Agreement.

2. All privileges and immunities from liability, exemptions from law, ordinances, and rules, workers' compensation and other benefits which apply to

duly enrolled or registered volunteers when performing their respective functions at the request of their state and within its territorial limits, shall apply to the same degree and extent while performing their functions extra-territorially under the provisions of this Agreement. Volunteers may include, but not be limited to, physicians, surgeons, nurses, dentists, structural engineers, and trained search and rescue volunteers.

3. The signatory states, their political subdivisions, municipal corporations and other public agencies shall hold harmless the corresponding entities and personnel thereof from the other state with respect to the acts and omissions of its own agents and employees that occur while providing assistance pursuant to the common plan.

4. Nothing in this arrangement shall be construed as repealing or impairing any existing Interstate Mutual Aid Agreements.

5. Upon enactment of this Agreement by two or more states, and by January 1, annually thereafter, the participating states will exchange with each other the names of officials designated to request and/or provide services under this arrangement. In accordance with the cooperative nature of this arrangement, it shall be permissible and desirable for the parties to exchange operational procedures to be followed in requesting assistance and reimbursing expenses.

6. This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two states. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state.

7. This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate official of all other party states. An actual withdrawal shall not take effect until the thirtieth consecutive day after the notice provided in the statute has been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal.

**Sec. 4.** RCW 38.52.420 and 1994 c 264 s 11 are each amended to read as follows:

(1) The department (~~(of community, trade, and economic development)~~), in consultation with appropriate federal agencies, the departments of natural resources, fish and wildlife, and ecology, representatives of local government, and any other person the director may deem appropriate, shall develop a model contingency plan, consistent with other plans required for hazardous materials by federal and state law, to serve as a draft plan for local governments which may be incorporated into the state and local emergency management plans.

(2) The model contingency plan shall:

(a) Include specific recommendations for pollution control facilities which are deemed to be most appropriate for the control, collection, storage, treatment, disposal, and recycling of oil and other spilled material and furthering the prevention and mitigation of such pollution;

(b) Include recommendations for the training of local personnel consistent with other training proposed, funded, or required by federal or state laws for hazardous materials;

(c) Suggest cooperative training exercises between the public and private sector consistent with other training proposed, funded, or required by federal or state laws for hazardous materials;

(d) Identify federal and state laws requiring contingency or management plans applicable or related to prevention of pollution, emergency response capabilities, and hazardous waste management, together with a list of funding sources that local governments may use in development of their specific plans;

(e) Promote formal agreements between the department (~~(of community, trade, and economic development)~~) and local entities for effective spill response; and

(f) Develop policies and procedures for the augmentation of emergency services and agency spill response personnel through the use of volunteers: PROVIDED, That no contingency plan may require the use of volunteers by a responding responsible party without that party's consent.

Sec. 5. RCW 38.54.010 and 1992 c 117 s 9 are each amended to read as follows:

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

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of the department of community, trade, and economic development.

(3) "State fire marshal" means the assistant director of the division of fire protection services in the department of community, trade, and economic development.

(4) "Fire chief" includes the chief officer of a statutorily authorized fire agency, or the fire chief's authorized representative. Also included are the department of natural resources fire control chief, and the department of natural resources regional managers.

(5) "Jurisdiction" means state, county, city, fire district, or port district (~~((fire))~~) fire fighting units, or other units covered by this chapter.

(6) "Mobilization" means that fire fighting resources beyond those available through existing agreements will be requested and, when available, sent (~~((to fight a fire))~~) in response to an emergency or disaster situation that has ((or soon will exceed)) exceeded the capabilities of available local resources. During a large scale (~~((fire))~~) emergency, mobilization includes the redistribution of regional or state-wide fire fighting resources to either direct ((fire-fighting)) emergency incident assignments or to assignment in communities where fire fighting resources are needed.

When mobilization is declared and authorized as provided in this chapter, all fire fighting resources except those of the host fire protection authorities, i.e.



incident jurisdiction, shall be deemed as mobilized under this chapter, including those that responded earlier under existing mutual aid or other agreement. All nonhost fire protection authorities providing fire fighting resources in response to a mobilization declaration shall be eligible for expense reimbursement as provided by this chapter from the time of the mobilization declaration.

This chapter shall not reduce or suspend the authority or responsibility of the department of natural resources under chapter 76.04 RCW.

(7) "Mutual aid" means emergency interagency assistance provided without compensation under ~~((and—[and]))~~ an agreement between jurisdictions under chapter 39.34 RCW.

Sec. 6. RCW 38.54.020 and 1992 c 117 s 10 are each amended to read as follows:

Because of the possibility of the occurrence of disastrous fires or other disasters of unprecedented size and destructiveness, the need to insure that the state is adequately prepared to respond to such a fire or disaster, the need to establish a mechanism and a procedure to provide for reimbursement to fire fighting agencies that respond to help others in time of need or to a host fire district that experiences expenses beyond the resources of the fire district, and generally to protect the public peace, health, safety, lives, and property of the people of Washington, it is hereby declared necessary to:

(1) Provide the policy and organizational structure for large scale mobilization of fire fighting resources in the state through creation of the Washington state fire services mobilization plan;

(2) Confer upon the director ~~((of the department of community development))~~ the powers provided herein; ~~((and))~~

(3) Provide a means for reimbursement to fire jurisdictions that incur expenses when mobilized by the director under the Washington state fire services mobilization plan; and

(4) Provide for reimbursement of host district fire fighting resources when the local district has: (a) Exhausted all of its resources; and (b) invoked its local mutual aid network and exhausted those resources. Upon implementation of state fire mobilization, the host district resources shall become state fire mobilization resources consistent with the fire mobilization plan.

It is the intent of the legislature that mutual aid and other interlocal agreements providing for enhanced emergency response be encouraged as essential to the public peace, safety, health, and welfare, and for the protection of the lives and property of the people of the state of Washington. If possible, mutual aid agreements should be without stated limitations as to resources available, time, or area. Nothing in this chapter shall be construed or interpreted to limit the eligibility of any nonhost fire protection authority for reimbursement of expenses incurred in providing fire fighting resources for mobilization.

Sec. 7. RCW 38.54.050 and 1992 c 117 s 13 are each amended to read as follows:

The department (~~(of community development)~~) in consultation with the office of financial management shall develop procedures to facilitate reimbursement to jurisdictions from appropriate federal and state funds when jurisdictions are mobilized by the director under the Washington state fire services mobilization plan. The department shall ensure that these procedures provide reimbursement to the host district in as timely a manner as possible.

**Sec. 8.** RCW 46.16.340 and 1986 c 266 s 49 are each amended to read as follows:

The director, from time to time, shall furnish the state military department, the department of community, trade, and economic development, the Washington state patrol, and all county sheriffs a list of the names, addresses, and license plate or radio station call letters of each person possessing the special amateur radio station license plates so that the facilities of such radio stations may be utilized to the fullest extent in the work of these governmental agencies.

**Sec. 9.** RCW 88.46.100 and 1991 c 200 s 423 are each amended to read as follows:

(1) In order to assist the state in identifying areas of the navigable waters of the state needing special attention, the owner or operator of a covered vessel shall notify the coast guard within one hour:

(a) Of the disability of the covered vessel if the disabled vessel is within twelve miles of the shore of the state; and

(b) Of a collision or a near miss incident within twelve miles of the shore of the state.

(2) The (~~(division of emergency management of the)~~) state military department (~~(of community development)~~) and the office shall request the coast guard to notify the (~~(division of emergency management)~~) state military department as soon as possible after the coast guard receives notice of a disabled covered vessel or of a collision or near miss incident within twelve miles of the shore of the state. The office shall negotiate an agreement with the coast guard governing procedures for coast guard notification to the state regarding disabled covered vessels and collisions and near miss incidents.

(3) The office shall prepare a summary of the information collected under this section and provide the summary to the regional marine safety committees, the coast guard, and others in order to identify problems with the marine transportation system.

(4) For the purposes of this section:

(a) A tank vessel or cargo vessel is considered disabled if any of the following occur:

(i) Any accidental or intentional grounding;

(ii) The total or partial failure of the main propulsion or primary steering or any component or control system that causes a reduction in the maneuvering capabilities of the vessel;

(iii) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service, including but not limited to, fire, flooding, or collision with another vessel;

(iv) Any other occurrence that creates the serious possibility of an oil spill or an occurrence that may result in such a spill.

(b) A barge is considered disabled if any of the following occur:

(i) The towing mechanism becomes disabled;

(ii) The towboat towing the barge becomes disabled through occurrences defined in (a) of this subsection.

(c) A near miss incident is an incident that requires the pilot or master of a covered vessel to take evasive actions or make significant course corrections in order to avoid a collision with another ship or to avoid a grounding as required by the international rules of the road.

(5) Failure of any person to make a report under this section shall not be used as the basis for the imposition of any fine or penalty.

**NEW SECTION. Sec. 10.** A new section is added to chapter 38.52 RCW to read as follows:

All powers, duties, and functions of the department of community, trade, and economic development pertaining to emergency management are transferred to the state military department. All references to the director or the department of community development or the department of community, trade, and economic development in the Revised Code of Washington shall be construed to mean the adjutant general or the state military department when referring to the functions transferred in this section.

**NEW SECTION. Sec. 11.** All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of community, trade, and economic development pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the state military department. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of community, trade, and economic development in carrying out the powers, functions, and duties transferred shall be made available to the state military department. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the state military department.

Any appropriations made to the department of community, trade, and economic development for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the state military department.

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. 12. All employees of the department of community, trade, and economic development engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the state military department. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state military department 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. All employees of the department of community, trade, and economic development exempted under chapter 41.06 RCW shall retain such exemption after transfer.

**NEW SECTION.** Sec. 13. All rules and all pending business before the department of community, trade, and economic development pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the state military department. All existing contracts and obligations shall remain in full force and shall be performed by the state military department.

**NEW SECTION.** Sec. 14. The transfer of the powers, duties, functions, and personnel of the department of community, trade, and economic development shall not affect the validity of any act performed prior to the effective date of this section.

**NEW SECTION.** Sec. 15. If apportionments of budgeted funds are required because of the transfers directed by sections 11 through 14 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. 16. (1) The military department, in cooperation with the Washington state patrol and the emergency management council, shall by December 31, 1995, develop a strategic plan to enhance the coordination and efficiency and decrease the costs of the military department's emergency management programs and services. The plan shall:

- (a) Evaluate all current programs and services;
  - (b) Develop new and innovative techniques for the administration of programs and delivery of services;
  - (c) Strengthen military department linkages with local agencies; and
  - (d) Assess the use of private sector equipment, materials, and services.
- (2) A summary of the strategic plan shall be delivered to the appropriate committees of the legislature no later than July 10, 1996.

**NEW SECTION.** Sec. 17. Nothing contained in sections 10 through 15 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement

has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

**NEW SECTION. Sec. 18.** 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, 1995.

Passed the House April 19, 1995.

Passed the Senate April 5, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 392

[Substitute House Bill 1069]

### RETIRED LAW ENFORCEMENT OFFICERS—CARRYING CONCEALED WEAPON WITHOUT A PERMIT

AN ACT Relating to exceptions to restrictions on carrying firearms; and amending RCW 9.41.060.

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

**Sec. I.** RCW 9.41.060 and 1994 sp.s. c 7 s 406 are each amended to read as follows:

The provisions of RCW 9.41.050 shall not apply to:

(1) Marshals, sheriffs, prison or jail wardens or their deputies, or other law enforcement officers;

(2) Members of the armed forces of the United States or of the national guard or organized reserves, when on duty;

(3) Officers or employees of the United States duly authorized to carry a concealed pistol;

(4) Any person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of the person, if possessing, using, or carrying a pistol in the usual or ordinary course of the business;

(5) Regularly enrolled members of any organization duly authorized to purchase or receive pistols from the United States or from this state;

(6) Regularly enrolled members of clubs organized for the purpose of target shooting, when those members are at or are going to or from their places of target practice;

(7) Regularly enrolled members of clubs organized for the purpose of modern and antique firearm collecting, when those members are at or are going to or from their collector's gun shows and exhibits;

(8) Individual hunters when on a hunting, camping, or fishing trip; ~~((or))~~

(9) Any person while carrying a pistol unloaded and in a closed opaque case or secure wrapper; or

(10) Law enforcement officers retired for service or physical disabilities, except for those law enforcement officers retired because of mental or stress-

related disabilities. This subsection applies only to a retired officer who has obtained documentation from a law enforcement agency within Washington state from which he or she retired that is signed by the agency's chief law enforcement officer and that states that the retired officer was retired for service or physical disability.

Passed the House February 22, 1995.

Passed the Senate April 11, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

### CHAPTER 393

[Substitute House Bill 1270]

#### COMMERCIAL DRIVERS' LICENSES—SMALL TREE HARVESTER EXCEPTION

AN ACT Relating to farm vehicle exceptions to commercial driver's license requirements; and amending RCW 46.25.050

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

**Sec. 1.** RCW 46.25.050 and 1990 c 56 s 1 are each amended to read as follows:

(1) Drivers of commercial motor vehicles shall obtain a commercial driver's license as required under this chapter by April 1, 1992. The director shall establish a program to convert all qualified commercial motor vehicle drivers by that date. After April 1, 1992, except when driving under a commercial driver's instruction permit and a valid automobile or classified license and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, no person may drive a commercial motor vehicle unless the person holds and is in immediate possession of a commercial driver's license and applicable endorsements valid for the vehicle they are driving. However, this requirement does not apply to any person:

(a) Who is the operator of a farm vehicle, and the vehicle is:

(i) Controlled and operated by a farmer;

(ii) Used to transport either agricultural products, which in this section include Christmas trees and wood products harvested from private tree farms and transported by vehicles weighing no more than forty thousand pounds licensed gross vehicle weight, farm machinery, farm supplies, or any combination of those materials to or from a farm;

(iii) Not used in the operations of a common or contract motor carrier; and

(iv) Used within one hundred fifty miles of the person's farm; or

(b) Who is a fire fighter or law enforcement officer operating emergency equipment, and:

(i) The fire fighter or law enforcement officer has successfully completed a driver training course approved by the director; and

(ii) The fire fighter or law enforcement officer carries a certificate attesting to the successful completion of the approved training course; or

(c) Who is operating a recreational vehicle for noncommercial purposes. As used in this section, "recreational vehicle" includes a vehicle towing a horse trailer for a noncommercial purpose.

(2) No person may drive a commercial motor vehicle while his or her driving privilege is suspended, revoked, or canceled, while subject to disqualification, or in violation of an out-of-service order. Violations of this subsection shall be punished in the same way as violations of RCW 46.20.342(1).

Passed the House April 19, 1995.

Passed the Senate April 7, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

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## CHAPTER 394

[Engrossed Substitute House Bill 1787]

### INTEREST EARNINGS—RESTORATION OF INTEREST ALLOCATION PROVISIONS

AN ACT Relating to interest on accounts and funds; reenacting and amending RCW 43.84.092 and 43.79A.040; providing an effective date; and declaring an emergency.

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

**Sec. 1.** RCW 43.84.092 and 1994 c 2 s 6 (Initiative Measure No. 601), 1993 sp.s. c 25 s 511, 1993 sp.s. c 8 s 1, 1993 c 500 s 6, 1993 c 492 s 473, 1993 c 445 s 4, 1993 c 329 s 2, and 1993 c 4 s 9 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no

appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system plan II account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state



university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the department of licensing services account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the gasohol exemption holding account, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the marine operating fund, the motor vehicle fund (~~and~~), the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the small city account, the special category C account, the state patrol highway account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation revolving loan account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 2.** RCW 43.79A.040 and 1993 sp.s. c 8 s 2 and 1993 c 500 s 5 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The American Indian scholarship endowment fund, the energy account, the game farm alternative account, and the self-insurance revolving fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, and the local rail service assistance account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**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 takes effect June 1, 1995.

Passed the House March 13, 1995.

Passed the Senate April 13, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 395

[Substitute House Bill 1853]

### JUVENILE OFFENDERS—PROBATION BONDS

AN ACT Relating to juveniles; amending RCW 13.40.0357, 13.40.040, 13.40.050, 13.40.125, 13.40.160, and 13.40.200; reenacting and amending RCW 13.40.020; adding new sections to chapter 13.40 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 13.40 RCW to read as follows:

(1) As provided in this chapter, the court may order a juvenile to post a probation bond as defined in RCW 13.40.020 or to deposit cash or post other collateral in lieu of a probation bond, to enhance public safety, increase the likelihood that a respondent will appear as required to respond to charges, and increase compliance with community supervision imposed under various alternative disposition options. The parents or guardians of the juvenile may sign for a probation bond on behalf of the juvenile or deposit cash or other collateral in lieu of a bond if approved by the court.

(2) A parent or guardian who has signed for a probation bond, deposited cash, or posted other collateral on behalf of a juvenile has the right to notify the court if the juvenile violates any of the terms and conditions of the bond. The parent or guardian who signed for a probation bond may move the court to

modify the terms of the bond or revoke the bond without penalty to the surety or parent. The court shall notify the surety if a parent or guardian notifies the court that the juvenile has violated conditions of the probation bond and has requested modification or revocation of the bond. At a hearing on the motion, the court may consider the nature and seriousness of the violation or violations and may either keep the bond in effect, modify the terms of the bond with the consent of the parent or guardian and surety, or revoke the bond. If the court revokes the bond the court may require full payment of the face amount of the bond. In the alternative, the court may revoke the bond and impose a partial payment for less than the full amount of the bond or may revoke the bond without imposing any penalty. In reaching its decision, the court may consider the timeliness of the parent's or guardian's notification to the court and the efforts of the parent and surety to monitor the offender's compliance with conditions of the bond and release. A surety shall have the same obligations and rights as provided sureties in adult criminal cases. Rules of forfeiture and revocation of bonds issued in adult criminal cases shall apply to forfeiture and revocation of probation bonds issued under this chapter except as specifically provided in this subsection.

**Sec. 2.** RCW 13.40.020 and 1994 sp.s. c 7 s 520, 1994 c 271 s 803, and 1994 c 261 s 18 are each reenacted and 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;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred adjudication pursuant to RCW 13.40.125. 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. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and

to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

- (a) Community-based sanctions;
- (b) Community-based rehabilitation;
- (c) Monitoring and reporting requirements;
- (d) Posting of a probation bond imposed pursuant to RCW 13.40.0357;
- (4) Community-based sanctions may 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;
  - (5) "Community-based rehabilitation" means one or more of the following:

Attendance of information classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(6) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(7) "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 detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or 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;

(8) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(9) "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. A successfully completed deferred adjudication shall not be considered part of the respondent's criminal history;

(10) "Department" means the department of social and health services;

(11) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(12) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(13) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(14) "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 pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction;

(15) "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;

(16) "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;

(17) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

(18) "Minor or first offender" means a person 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; and

(d) Three gross misdemeanors.

For purposes of this definition, current violations shall be counted as misdemeanors;

(19) "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;

(20) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(21) "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;

(22) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(23) "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;

(24) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(25) "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;

(26) "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;

(27) "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;

(28) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

(29) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(30) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds

within the state, and justified and approved by the superior court of the county having jurisdiction of the case.

Sec. 3. RCW 13.40.0357 and 1994 sp.s. c 7 s 522 are each amended to read as follows:

**SCHEDULE A  
DESCRIPTION AND OFFENSE CATEGORY**

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
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**Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (<\$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B+

**Assault and Other Crimes  
Involving Physical Harm**

A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+

**Burglary and Trespass**

B+	Burglary 1 (9A.52.020)	C+
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E

E	Criminal Trespass 2 (9A.52.080)	E
D	Vehicle Prowling (9A.52.100)	E
	<b>Drugs</b>	
E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D+
E	Possession of Legend Drug (69.41.030)	E
B+	Violation of Uniform Controlled Substances Act - Narcotic Sale (69.50.401(a)(1)(i))	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(ii))	C
E	Possession of Marihuana <40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C+	Sale of Controlled Substance for Profit (69.50.410)	C+
E	Unlawful Inhalation (9.47A.020)	E
B	Violation of Uniform Controlled Substances Act - Narcotic Counterfeit Substances (69.50.401(b)(1)(i))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (ii), (iii), (iv))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))	C
	<b>Firearms and Weapons</b>	
E	Carrying Loaded Pistol Without	



	Permit (9.41.050)	E
C	Possession of Firearms by Minor (<18) (9.41.040(1)(e))	C
D+	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E
	<b>Homicide</b>	
A+	Murder 1 (9A.32.030)	A
A+	Murder 2 (9A.32.050)	B+
B+	Manslaughter 1 (9A.32.060)	C+
C+	Manslaughter 2 (9A.32.070)	D+
B+	Vehicular Homicide (46.61.520)	C+
	<b>Kidnapping</b>	
A	Kidnap 1 (9A.40.020)	B+
B+	Kidnap 2 (9A.40.030)	C+
C+	Unlawful Imprisonment (9A.40.040)	D+
	<b>Obstructing Governmental Operation</b>	
E	Obstructing a ( <del>Public Servant</del> ) <u>Law Enforcement Officer</u> (9A.76.020)	E
E	Resisting Arrest (9A.76.040)	E
B	Introducing Contraband 1 (9A.76.140)	C
C	Introducing Contraband 2 (9A.76.150)	D
E	Introducing Contraband 3 (9A.76.160)	E
B+	Intimidating a Public Servant (9A.76.180)	C+
B+	Intimidating a Witness (9A.72.110)	C+
	<b>Public Disturbance</b>	
C+	Riot with Weapon (9A.84.010)	D+
D+	Riot Without Weapon (9A.84.010)	E
E	Failure to Disperse (9A.84.020)	E
E	Disorderly Conduct (9A.84.030)	E
	<b>Sex Crimes</b>	
A	Rape 1 (9A.44.040)	B+
A-	Rape 2 (9A.44.050)	B+

C+	Rape 3 (9A.44.060)	D+
A-	Rape of a Child 1 (9A.44.073)	B+
B	Rape of a Child 2 (9A.44.076)	C+
B	Incest 1 (9A.64.020(1))	C
C	Incest 2 (9A.64.020(2))	D
D+	Indecent Exposure (Victim <14) (9A.88.010)	E
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
B+	Promoting Prostitution 1 (9A.88.070)	C+
C+	Promoting Prostitution 2 (9A.88.080)	D+
E	O & A (Prostitution) (9A.88.030)	E
B+	Indecent Liberties (9A.44.100)	C+
B+	Child Molestation 1 (9A.44.083)	C+
C+	Child Molestation 2 (9A.44.086)	C
<b>Theft, Robbery, Extortion, and Forgery</b>		
B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock (9A.56.080)	C
C	Forgery (9A.60.020)	D
A	Robbery 1 (9A.56.200)	B+
B+	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+
C+	Extortion 2 (9A.56.130)	D+
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
C	Taking Motor Vehicle Without Owner's Permission (9A.56.070)	D
<b>Motor Vehicle Related Crimes</b>		
E	Driving Without a License (46.20.021)	E
C	Hit and Run - Injury (46.52.020(4))	D
D	Hit and Run-Attended (46.52.020(5))	E

E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (((46.61.515))) <u>(46.61.502 and 46.61.504)</u>	E
D	Vehicle Prowling (9A.52.100)	E
C	Taking Motor Vehicle Without Owner's Permission (9A.56.070)	D
	<b>Other</b>	
B	Bomb Threat (9.61.160)	C
C	Escape 1 <sup>1</sup> (9A.76.110)	C
C	Escape 2 <sup>1</sup> (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
<del>(C)</del>	<del>Failure to Appear in Court (10.19.130)</del>	<del>D))</del>
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) <sup>2</sup>	V

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 4 weeks confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

**SCHEDULE B  
PRIOR OFFENSE INCREASE FACTOR**

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

**TIME SPAN**

OFFENSE CATEGORY	0-12 Months	13-24 Months	25 Months or More
A+	.9	.9	.9
A	.9	.8	.6
A-	.9	.8	.5
B+	.9	.7	.4
B	.9	.6	.3
C+	.6	.3	.2
C	.5	.2	.2
D+	.3	.2	.1
D	.2	.1	.1
E	.1	.1	.1

Prior history - Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current offense(s).

**SCHEDULE C  
CURRENT OFFENSE POINTS**

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

**AGE**

OFFENSE CATEGORY	12 & Under	13	14	15	16	17
A+	STANDARD RANGE 180-224 WEEKS					
A	250	300	350	375	375	375
A-	150	150	150	200	200	200
B+	110	110	120	130	140	150
B	45	45	50	50	57	57
C+	44	44	49	49	55	55
C	40	40	45	45	50	50
D+	16	18	20	22	24	26
D	14	16	18	20	22	24
E	4	4	4	6	8	10

**JUVENILE SENTENCING STANDARDS  
SCHEDULE D-1**

This schedule may only be used for minor/first offenders. After the determination is made that a youth is a minor/first offender, the court has the discretion to select sentencing option A, B, or C.

**MINOR/FIRST OFFENDER**

**OPTION A  
STANDARD RANGE**

Points	Community Supervision	Community Service Hours	Fine
1-9	0-3 months	and/or 0-8	and/or 0-\$10
10-19	0-3 months	and/or 0-8	and/or 0-\$10
20-29	0-3 months	and/or 0-16	and/or 0-\$10
30-39	0-3 months	and/or 8-24	and/or 0-\$25
40-49	3-6 months	and/or 16-32	and/or 0-\$25
50-59	3-6 months	and/or 24-40	and/or 0-\$25
60-69	6-9 months	and/or 32-48	and/or 0-\$50
70-79	6-9 months	and/or 40-56	and/or 0-\$50
80-89	9-12 months	and/or 48-64	and/or 10-\$100
90-109	9-12 months	and/or 56-72	and/or 10-\$100

**OR**

**OPTION B  
STATUTORY OPTION**

0-12 Months Community Supervision

0-150 Hours Community Service

0-100 Fine

Posting of a Probation Bond

A term of community supervision with a maximum of 150 hours, \$100.00 fine, and 12 months supervision.

**OR**

**OPTION C  
MANIFEST INJUSTICE**

When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term and the provisions of RCW 13.40.030(2) shall be used to determine the range.

**JUVENILE SENTENCING STANDARDS  
SCHEDULE D-2**

This schedule may only be used for middle offenders. After the determination is made that a youth is a middle offender, the court has the discretion to select sentencing option A, B, or C.

**MIDDLE OFFENDER**

**OPTION A  
STANDARD RANGE**

Points	Community			Confinement	
	Supervision	Service Hours	Fine	Days	Weeks
1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0	
10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0	
20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0	
30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4	
40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4	
50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10	
60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10	
70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20	
80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20	
90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30	
110-129				8-12	
130-149				13-16	
150-199				21-28	
200-249				30-40	
250-299				52-65	
300-374				80-100	
375+				103-129	

Middle offenders with (~~more than~~) 110 points or more do not have to be committed. They may be assigned community supervision under option B.  
All A+ offenses 180-224 weeks

**OR**

**OPTION B  
STATUTORY OPTION**

0-12 Months Community Supervision

0-150 Hours Community Service

0-100 Fine

Posting of a Probation Bond

If the offender has less than 110 points, the court may impose a determinate disposition of community supervision and/or up to 30 days confinement; in

which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150.

If the middle offender has 110 points or more, the court may impose a disposition under option A and may suspend the disposition on the condition that the offender serve up to thirty days of confinement and follow all conditions of community supervision. If the offender fails to comply with the terms of community supervision, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order execution of the disposition. If the court imposes confinement for offenders with 110 points or more, the court shall state either aggravating or mitigating factors set forth in RCW 13.40.150.

OR

**OPTION C  
MANIFEST INJUSTICE**

If the court determines that a disposition under A or B would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term and the provisions of RCW 13.40.030(2) shall be used to determine the range.

**JUVENILE SENTENCING STANDARDS  
SCHEDULE D-3**

This schedule may only be used for serious offenders. After the determination is made that a youth is a serious offender, the court has the discretion to select sentencing option A or B.

**SERIOUS OFFENDER  
OPTION A  
STANDARD RANGE**

Points	Institution Time
0-129	8-12 weeks
130-149	13-16 weeks
150-199	21-28 weeks
200-249	30-40 weeks
250-299	52-65 weeks
300-374	80-100 weeks
375+	103-129 weeks
All A+ Offenses	180-224 weeks

OR

**OPTION B  
MANIFEST INJUSTICE**

A disposition outside the standard range shall be determined and shall be comprised of confinement or community supervision including posting a probation bond or a combination thereof. When a judge finds a manifest

injustice and imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range.

Sec. 4. RCW 13.40.040 and 1979 c 155 s 57 are each amended to read as follows:

(1) A juvenile may be taken into custody:

(a) Pursuant to a court order if a complaint is filed with the court alleging, and the court finds probable cause to believe, that the juvenile has committed an offense or has violated terms of a disposition order or release order; or

(b) Without a court order, by a law enforcement officer if grounds exist for the arrest of an adult in identical circumstances. Admission to, and continued custody in, a court detention facility shall be governed by subsection (2) of this section; or

(c) Pursuant to a court order that the juvenile be held as a material witness; or

(d) Where the secretary or the secretary's designee has suspended the parole of a juvenile offender.

(2) A juvenile may not be held in detention unless there is probable cause to believe that:

(a) The juvenile has committed an offense or has violated the terms of a disposition order; and

(i) The juvenile will likely fail to appear for further proceedings; or

(ii) Detention is required to protect the juvenile from himself or herself; or

(iii) The juvenile is a threat to community safety; or

(iv) The juvenile will intimidate witnesses or otherwise unlawfully interfere with the administration of justice; or

(v) The juvenile has committed a crime while another case was pending; or

(b) The juvenile is a fugitive from justice; or

(c) The juvenile's parole has been suspended or modified; or

(d) The juvenile is a material witness.

(3) Upon a finding that members of the community have threatened the health of a juvenile taken into custody, at the juvenile's request the court may order continued detention pending further order of the court.

(4) A juvenile detained under this section may be released upon posting a probation bond set by the court. The juvenile's parent or guardian may sign for the probation bond. A court authorizing such a release shall issue an order containing a statement of conditions imposed upon the juvenile and shall set the date of his or her next court appearance. The court shall advise the juvenile of any conditions specified in the order and may at any time amend such an order in order to impose additional or different conditions of release upon the juvenile or to return the juvenile to custody for failing to conform to the conditions imposed. In addition to requiring the juvenile to appear at the next court date, the court may condition the probation bond on the juvenile's compliance with conditions of release. The juvenile's parent or guardian may notify the court that



the juvenile has failed to conform to the conditions of release or the provisions in the probation bond. If the parent notifies the court of the juvenile's failure to comply with the probation bond, the court shall notify the surety. As provided in the terms of the bond, the surety shall provide notice to the court of the offender's noncompliance. Failure to appear on the date scheduled by the court pursuant to this section shall constitute the crime of bail jumping.

**Sec. 5.** RCW 13.40.050 and 1992 c 205 s 106 are each amended to read as follows:

(1) When a juvenile taken into custody is held in detention:

(a) An information, a community supervision modification or termination of diversion petition, or a parole modification petition shall be filed within seventy-two hours, Saturdays, Sundays, and holidays excluded, or the juvenile shall be released; and

(b) A detention hearing, a community supervision modification or termination of diversion petition, or a parole modification petition shall be held within seventy-two hours, Saturdays, Sundays, and holidays excluded, from the time of filing the information or petition, to determine whether continued detention is necessary under RCW 13.40.040.

(2) Notice of the detention hearing, stating the time, place, and purpose of the hearing, and stating the right to counsel, shall be given to the parent, guardian, or custodian if such person can be found and shall also be given to the juvenile if over twelve years of age.

(3) At the commencement of the detention hearing, the court shall advise the parties of their rights under this chapter and shall appoint counsel as specified in this chapter.

(4) The court shall, based upon the allegations in the information, determine whether the case is properly before it or whether the case should be treated as a diversion case under RCW 13.40.080. If the case is not properly before the court the juvenile shall be ordered released.

(5) Notwithstanding a determination that the case is properly before the court and that probable cause exists, a juvenile shall at the detention hearing be ordered released on the juvenile's personal recognizance pending further hearing unless the court finds detention is necessary under RCW 13.40.040 as now or hereafter amended.

(6) If detention is not necessary under RCW 13.40.040, as now or hereafter amended, the court shall impose the most appropriate of the following conditions or, if necessary, any combination of the following conditions:

(a) Place the juvenile in the custody of a designated person agreeing to supervise such juvenile;

(b) Place restrictions on the travel of the juvenile during the period of release;

(c) Require the juvenile to report regularly to and remain under the supervision of the juvenile court;

(d) Impose any condition other than detention deemed reasonably necessary to assure appearance as required; ~~((e))~~

(e) Require that the juvenile return to detention during specified hours; or

(f) Require the juvenile to post a probation bond set by the court under terms and conditions as provided in RCW 13.40.040(4).

(7) If the parent, guardian, or custodian of the juvenile in detention is available, the court shall consult with them prior to a determination to further detain or release the juvenile or treat the case as a diversion case under RCW 13.40.080.

**Sec. 6.** RCW 13.40.125 and 1994 1st sp.s. c 7 s 545 are each amended to read as follows:

(1) Upon motion at least fourteen days before commencement of trial, the juvenile court has the power, after consulting the juvenile's custodial parent or parents or guardian and with the consent of the juvenile, to continue the case for adjudication for a period not to exceed one year from the date ~~((of entry of the plea or finding of guilt))~~ the motion is granted. The court may continue the case for an additional one-year period for good cause.

(2) Any juvenile granted a deferral of adjudication under this section shall be placed under community supervision. The court may impose any conditions of supervision that it deems appropriate including posting a probation bond. Payment of restitution, as provided in RCW 13.40.190 shall also be a condition of community supervision under this section.

(3) Upon full compliance with ~~((such))~~ conditions of supervision, the court shall dismiss the case with prejudice.

(4) If the juvenile fails to comply with the terms of supervision, the court shall enter an order of adjudication and proceed to disposition. The juvenile's lack of compliance shall be determined by the judge upon written motion by the prosecutor or the juvenile's juvenile court community supervision counselor. A parent who signed for a probation bond or deposited cash may notify the counselor if the juvenile fails to comply with the bond or conditions of supervision. The counselor shall notify the court and surety. A surety shall notify the court of the juvenile's failure to comply with the probation bond. The state shall bear the burden to prove by a preponderance of the evidence that the juvenile has failed to comply with the terms of community supervision.

(5) If the juvenile agrees to a deferral of adjudication, the juvenile shall waive all rights:

(a) To a speedy trial and disposition;

(b) To call and confront witnesses; and

(c) To a hearing on the record. The adjudicatory hearing shall be limited to a reading of the court's record.

(6) A juvenile is not eligible for a deferred adjudication if:

(a) The juvenile's current offense is a sex or violent offense;

(b) The juvenile's criminal history includes any felony;

(c) The juvenile has a prior deferred adjudication; or

(d) The juvenile has had more than two diversions.

**Sec. 7.** RCW 13.40.160 and 1994 sp.s. c 7 s 523 are each amended to read as follows:

(1) When the respondent is found to be a serious offender, the court shall commit the offender to the department for the standard range of disposition for the offense, as indicated in option A of schedule D-3, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section.

If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option B of schedule D-3, RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision as indicated in option A or option B of schedule D-I, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition under option C of schedule D-I, RCW 13.40.0357. Except as provided in subsection (5) of this section, a disposition other than a community supervision may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

Except for disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section, a disposition may be appealed as provided in RCW 13.40.230 by the state or the respondent. A disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section may not be appealed under RCW 13.40.230.

(3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2).

(4) If a respondent is found to be a middle offender:

(a) The court shall impose a determinate disposition within the standard range(s) for such offense, as indicated in option A of schedule D-2, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section(~~PROVIDED, That~~). If the standard range includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement; or

(b) If the middle offender has less than 110 points, the court shall impose a ((disposition under (a) of this subsection, which shall be suspended, and shall impose a)) determinate disposition of community supervision and/or up to thirty days confinement, as indicated in option B of schedule D-2, RCW 13.40.0357 in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150. If the middle offender has 110 points or more, the court may impose a disposition under option A and may suspend the disposition on the condition that the offender serve up to thirty days of confinement and follow all conditions of community supervision. If the offender violates any condition of the disposition including conditions of a probation bond, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspension and order execution of the ((sentence)) disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(c) Only if the court concludes, and enters reasons for its conclusions, that disposition as provided in subsection (4) (a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

(d) A disposition pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230 by the state or the respondent. A disposition pursuant to subsection (4) (a) or (b) of this section is not appealable under RCW 13.40.230.

(5) When a serious, middle, or minor first offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a)(i) Frequency and type of contact between the offender and therapist;
- (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (iv) Anticipated length of treatment; and
- (v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, and the court may suspend the execution of the disposition and place the offender on community supervision for up to two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

- (b)(i) Devote time to a specific education, employment, or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;
- (iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;
- (iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;

- (v) Report as directed to the court and a probation counselor;
- (vi) Pay all court-ordered legal financial obligations, perform community service, or any combination thereof; ~~((e))~~
- (vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense; or
- (viii) Comply with the conditions of any court-ordered probation bond.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection (5), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (5) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(6) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(1)(e) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

(7) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(8) Except as provided for in subsection (4)(b) or (5) of this section or RCW 13.40.125, the court shall not suspend or defer the imposition or the execution of the disposition.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

**Sec. 8.** RCW 13.40.200 and 1986 c 288 s 5 are each amended to read as follows:

(1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, or restitution or to perform community service hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community service.

(3)(a) If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed thirty days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

(b) If the violation of the terms of the order under (a) of this subsection is failure to pay fines, penalty assessments, complete community service, or make restitution, the term of confinement imposed under (a) of this subsection shall be assessed at a rate of one day of confinement for each twenty-five dollars or eight hours owed.

(4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community service. The number of hours of community service in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines

collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.

(5) When a respondent has willfully violated the terms of a probation bond, the court may modify, revoke, or retain the probation bond as provided in section 1 of this act.

NEW SECTION. Sec. 9. A new section is added to chapter 13.40 RCW to read as follows:

When a juvenile charged with an offense posts a probation bond or deposits cash or posts other collateral in lieu of a bond, ten dollars of the total amount required to be posted as bail shall be paid in cash as a nonrefundable bail fee. The bail fee shall be distributed to the county for costs associated with implementing chapter . . . , Laws of 1995 (this act).

Passed the House March 8, 1995.

Passed the Senate April 12, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

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## CHAPTER 396

[Substitute Senate Bill 5127]

### PUBLIC FACILITIES DISTRICTS—REVISED PROVISIONS

AN ACT Relating to public facilities districts; amending RCW 36.100.010, 36.100.020, 36.100.030, 36.100.040, 36.100.060, and 82.14.048; and adding new sections to chapter 36.100 RCW.

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

**Sec. 1.** RCW 36.100.010 and 1989 1st ex.s. c 8 s 1 are each amended to read as follows:

(1) A public facilities district may be created in any county (~~((with three hundred thousand or more population that is located more than one hundred miles from any county in which the state has constructed and owns a convention center. A public facilities district))~~ and shall be coextensive with the boundaries of the county.

(2) A public facilities district shall be created upon adoption of a resolution providing for the creation of such a district by the county legislative authority in which the proposed district is located (~~((and the city council of the largest city within such county))~~).

(3) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(4) No taxes authorized under this chapter may be assessed or levied unless a majority of the voters of the public facilities district has validated the creation



of the public facilities district at a general or special election. A single ballot proposition may both authorize the creation of a public facilities district and the imposition of the sales and use tax under RCW 82.14.048 or both the creation of a public facilities district and the imposition of the excise tax under RCW 36.100.040.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

Sec. 2. RCW 36.100.020 and 1989 1st ex.s. c 8 s 2 are each amended to read as follows:

A public facilities district shall be governed by a board of directors consisting of five or seven members as provided in this section. If the largest city in the county has a population that is at least forty percent of the total county population, the board of directors of the public facilities district shall consist of five members selected as follows: (1) Two members appointed by the county legislative authority to serve for four-year staggered terms; (2) two members appointed by the city council of the largest city in the county to serve for four-year staggered terms; and (3) one person to serve for a four-year term who is selected by the other directors. If the largest city in the county has a population of less than forty percent of the total county population, the county legislative authority shall establish in the resolution creating the public facilities district whether the board of directors of the public facilities district have either five or seven members, and the county legislative authority shall appoint the members of the board of directors to reflect the interests of cities and towns in the county, as well as the unincorporated area of the county.

At least one member on the board of directors shall be representative of the lodging industry in the public facilities district before the public facilities district imposes the excise tax under RCW 36.100.040.

~~((One of the initial members appointed by the county legislative authority shall have a term of office of two years and the other initial member appointed by the county legislative authority shall have a term of four years. One of the initial members appointed by the city council shall have a term of two years and the other initial member appointed by the city council shall have a term of four years.))~~ Members of the board of directors shall serve four-year terms of office, except that two of the initial five board members or three of the initial seven board members shall serve two-year terms of office.

A vacancy shall be filled in the same manner as the original appointment was made and the person appointed to fill a vacancy shall serve for the remainder of the unexpired term of the office for the position to which he or she was appointed.

A director may be removed from office for cause by action of at least two-thirds of the members of the county legislative authority.

Sec. 3. RCW 36.100.030 and 1989 1st ex.s. c 8 s 3 are each amended to read as follows:

A public facilities district is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate sports ~~((and))~~ facilities, entertainment facilities, or convention facilities, or any combination of such facilities, together with contiguous parking facilities. The taxes that are provided for in this chapter may only be imposed for these purposes.

A public facilities district may enter into agreements under chapter 39.34 RCW for the joint provision and operation of such facilities and may enter into contracts under chapter 39.34 RCW where any party to the contract provides and operates such facilities for the other party or parties to the contract.

A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations. ~~((The taxes that are provided for in this chapter may only be imposed for such purposes.))~~

Sec. 4. RCW 36.100.040 and 1989 1st ex.s. c 8 s 4 are each amended to read as follows:

A public facilities district may impose an excise tax 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 forty lodging units. However, if a public facilities district has not imposed such an excise tax prior to December 31, 1995, the public facilities district may only impose the excise tax if a ballot proposition authorizing the imposition of the tax has been approved by a simple majority vote of voters of the public facilities district voting on the proposition.

The rate of the tax shall not exceed two percent and the proceeds of the tax shall only be used for the acquisition, design, ~~((and))~~ construction, remodeling, maintenance, equipping, reequipping, repairing, and operation of ~~((sports and entertainment))~~ its public facilities. This excise tax shall not be imposed until the district has approved the proposal to acquire, design, and construct the public facilities.

A public facilities district may not impose the tax authorized in this section if, after the tax authorized in this section was imposed, the effective combined rate of state and local excise taxes includin sales and use taxes and excise taxes on lodging, imposed on the sale of or charge made for furnishing of lodging in any jurisdiction in the public facilities district exceeds eleven and one-half percent.

Sec. 5. RCW 36.100.060 and 1989 1st ex.s. c 8 s 5 are each amended to read as follows:

(1) To carry out the purpose of this chapter, a public facilities district may issue general obligation bonds, 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 taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015. A facilities district additionally may issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, when authorized by the voters of the public facilities district pursuant to Article VIII, section 6 of the state Constitution, and to provide for the retirement thereof by excess property tax levies as provided in this chapter.

(2) General obligation bonds may be issued with a maturity of up to thirty years, and shall be issued and sold in accordance with the provisions of chapter 39.46 RCW.

(3) The general obligation bonds may be payable from the operating revenues of the public facilities district in addition to the tax receipts of the district.

(4) The excise tax imposed pursuant to RCW 36.100.040 shall terminate upon final payment of all bonded indebtedness for ~~((the sports and entertainment facility))~~ its public facilities.

**Sec. 6.** RCW 82.14.048 and 1991 c 207 s 1 are each amended to read as follows:

The governing board of a public facilities district under chapter 36.100 RCW may submit an authorizing proposition to the voters of the district, and if the proposition is 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 under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. 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.

Moneys received from any tax imposed under this section shall be used for the purpose of providing funds for the costs associated with the financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, and reequipping of ~~((sports or entertainment))~~ its public facilities ~~((and contiguous parking))~~.

**NEW SECTION.** **Sec. 7.** The treasurer of the county in which a public facilities district is located shall be the ex officio treasurer of the district.

**NEW SECTION.** **Sec. 8.** The board of directors of the public facilities district shall adopt a resolution that may be amended from time to time that shall establish the basic requirements governing methods and amounts of reimbursement payable to such district officials and employees for travel and other business expenses incurred on behalf of the district. The resolution shall, among

other things, establish procedures for approving such expenses; the form of the travel and expense voucher; and requirements governing the use of credit cards issued in the name of the district. The resolution may also establish procedures for payment of per diem to board members. The state auditor shall, as provided by general law, cooperate with the public facilities district in establishing adequate procedures for regulating and auditing the reimbursement of all such expenses.

**NEW SECTION.** Sec. 9. The board of directors of the public facilities district may authorize payment of actual and necessary expenses of officers and employees for lodging, meals, and travel-related costs incurred in attending meetings or conferences on behalf of the public facilities district and strictly in the public interest and for public purposes. Officers and employees may be advanced sufficient sums to cover their anticipated expenses in accordance with rules adopted by the state auditor, which shall substantially conform to the procedures provided in RCW 43.03.150 through 43.03.210.

**NEW SECTION.** Sec. 10. Each member of the board of directors of the public facilities district may receive compensation of fifty dollars per day for attending meetings or conferences on behalf of the district, not to exceed three thousand dollars per year. A director may waive all or a portion of his or her compensation under this section as to a month or months during his or her term of office, by a written waiver filed with the public facilities district. The compensation provided in this section is in addition to reimbursement for expenses paid to the directors by the public facilities district.

**NEW SECTION.** Sec. 11. The board of directors of the public facilities district may purchase liability insurance with such limits as the directors may deem reasonable for the purpose of protecting and holding personally harmless district officers and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties.

**NEW SECTION.** Sec. 12. Whenever an action, claim, or proceeding is instituted against a person who is or was an officer or employee of the public facilities district arising out of the performance of duties for or employment with the district, the public facilities district may grant a request by the person that the attorney of the district's choosing be authorized to defend the claim, suit, or proceeding, and the costs of defense, attorneys' fees, and obligation for payments arising from the action may be paid from the district's funds. Costs of defense or judgment or settlement against the person shall not be paid in a case where the court has found that the person was not acting in good faith or within the scope of employment with or duties for the public facilities district.

**NEW SECTION.** Sec. 13. The board of directors of the public facilities district shall have authority to authorize the expenditure of funds for the public purposes of preparing and distributing information to the general public and

promoting, advertising, improving, developing, operating, and maintaining facilities of the district. Nothing contained in this section may be construed to authorize preparation and distribution of information to the general public for the purpose of influencing the outcome of a district election.

**NEW SECTION.** Sec. 14. The public facilities district shall have authority to create and fill positions, fix wages, salaries, and bonds therefor, pay costs involved in securing or arranging to secure employees, and establish benefits for employees, including holiday pay, vacations or vacation pay, retirement benefits, medical, life, accident, or health disability insurance, as approved by the board. Public facilities district board members, at their own expense, shall be entitled to medical, life, accident, or health disability insurance. Insurance for employees and board members shall not be considered compensation. District coverage for the board is not to exceed that provided public facilities district employees.

**NEW SECTION.** Sec. 15. The public facilities district may secure services by means of an agreement with a service provider. The public facilities district shall publish notice, establish criteria, receive and evaluate proposals, and negotiate with respondents under requirements set forth by district resolution.

**NEW SECTION.** Sec. 16. In addition to provisions contained in chapter 39.04 RCW, the public facilities district is authorized to follow procedures contained in RCW 43.19.1906 and 43.19.1911 for all purchases, contracts for purchase, and sales.

**NEW SECTION.** Sec. 17. (1) A public facilities district may issue revenue bonds to fund revenue generating facilities, or portions of facilities, which it is authorized to provide or operate. Whenever revenue bonds are to be issued, the board of directors of the district shall create or have created a special fund or funds from which, along with any reserves created pursuant to RCW 39.44.140, the principal and interest on such revenue bonds shall exclusively be payable. The board may obligate the district to set aside and pay into the special fund or funds a fixed proportion or a fixed amount of the revenues from the public improvements, projects, or facilities, and all related additions, that are funded by the revenue bonds. This amount or proportion shall be a lien and charge against these revenues, subject only to operating and maintenance expenses. The board shall have due regard for the cost of operation and maintenance of the public improvements, projects, or facilities, or additions, that are funded by the revenue bonds, and shall not set aside into the special fund or funds a greater amount or proportion of the revenues that in its judgment will be available over and above the cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. The board may also provide that revenue bonds payable out of the same source or sources of revenue may later be issued on a parity with any revenue bonds being issued and sold.

(2) Revenue bonds issued pursuant to this section shall not be an indebtedness of the district issuing the bonds, and the interest and principal on the bonds shall only be payable from the revenues lawfully pledged to meet the principal

and interest requirements and any reserves created pursuant to RCW 39.44.140. The owner or bearer of a revenue bond or any interest coupon issued pursuant to this section shall not have any claim against the district arising from the bond or coupon except for payment from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created pursuant to RCW 39.44.140. The substance of the limitations included in this subsection shall be plainly printed, written, or engraved on each bond issued pursuant to this section.

(3) Revenue bonds with a maturity in excess of thirty years shall not be issued. The board of directors of the district shall by resolution determine for each revenue bond issue the amount, date, form, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, callable provisions, if any, and covenants including the refunding of existing revenue bonds. Facsimile signatures may be used on the bonds and any coupons. Refunding revenue bonds may be issued in the same manner as revenue bonds are issued.

**NEW SECTION.** Sec. 18. Sections 7 through 17 of this act are each added to chapter 36.100 RCW.

**NEW SECTION.** Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 23, 1995.

Passed the House April 13, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

## CHAPTER 397

[Engrossed Substitute Senate Bill 5684]

### PUBLIC DISCLOSURE LAW—REVISIONS

AN ACT Relating to public disclosure; amending RCW 42.17.020, 42.17.080, 42.17.090, 42.17.105, 42.17.132, 42.17.155, 42.17.190, 42.17.240, 42.17.241, 42.17.260, 42.17.280, 42.17.290, 42.17.300, 42.17.320, 42.17.370, 42.17.420, 42.17.510, 42.17.640, 42.17.680, 42.17.720, 42.17.740, 42.17.750, 42.17.770, 42.17.780, 42.17.790, 42.17.100, 42.17.125, 42.52.180, 42.17.095, 42.17.160, and 42.17.170; reenacting and amending RCW 42.17.2401; adding a new section to chapter 42.17 RCW; creating a new section; repealing RCW 42.17.021, 42.17.630, 42.17.2415, and 42.52.210; providing effective dates; and declaring an emergency.

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

**Sec. 1.** RCW 42.17.020 and 1992 c 139 s 1 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose

district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

(3) "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))~~ (4) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

(5) "Bona fide political party" means:

(a) An organization that has filed a valid certificate of nomination with the secretary of state under chapter 29.24 RCW;

(b) The governing body of the state organization of a major political party, as defined in RCW 29.01.090, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

(6) "Depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

~~((4))~~ (7) "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))~~ (8) "Candidate" means any individual who seeks nomination for election or election to public office. An individual ~~((shall be deemed to seek))~~ seeks nomination or election when he or she first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office; ~~((or))~~

(b) Announces publicly or files for office;

(c) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or

(d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

(9) "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

~~((6))~~ (10) "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))~~ (11) "Commission" means the agency established under RCW 42.17.350.

~~((8))~~ (12) "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))~~ (13) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

~~((10))~~ (14)(a) "Contribution" includes:

(i) 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));~~

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising prepared by a candidate, a political committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:



(i) Standard interest on money deposited in a political committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political committee that is returned to the contributor within five business days of the date on which it is received by the candidate or political committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) 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 section, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts towards any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

~~((1+))~~ (15) "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))~~ (16) "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))~~ (17) "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))~~ (18) "Election cycle" means the period beginning on the first day of December after the date of the last previous general election for the office that the candidate seeks and ending on November 30th after the next election for the office. In the case of a special election to fill a vacancy in an office "election cycle" means the period beginning on the day the vacancy occurs and ending on November 30th after the special election.

(19) "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))~~ (20) "Final report" means the report described as a final report in RCW 42.17.080(2).

~~((16))~~ (21) "General election" means the election that results in the election of a person to a state office. It does not include a primary.

~~(22) "Gift," ((for the purposes of RCW 42.17.170 and 42.17.2415, means a rendering of anything of value in return for which reasonable consideration is not given and received and includes a rendering of money, property, services, discount, loan forgiveness, payment of indebtedness, or reimbursements from or payments by persons (other than the federal government, or the state of Washington or any agency or political subdivision thereof) for travel or anything else of value. The term "reasonable consideration" refers to the approximate range of consideration that exists in transactions not involving donative intent. However, the value of the gift of partaking in a single hosted reception shall be determined by dividing the total amount of the cost of conducting the reception by the total number of persons partaking in the reception. "Gift" for the purposes of RCW 42.17.170 and 42.17.2415 does not include:~~

~~(a) A gift, other than a gift of partaking in a hosted reception, with a value of fifty dollars or less;~~

~~(b) The gift of partaking in a hosted reception if the value of the gift is one hundred dollars or less;~~

~~(c) A contribution that is required to be reported under RCW 42.17.090 or 42.17.243;~~

~~(d) Informational material that is transferred for the purpose of informing the recipient about matters pertaining to official business of the governmental entity of which the recipient is an official or officer, and that is not intended to confer on that recipient any commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of any commercial, proprietary, financial, economic, or monetary disadvantage;~~

~~(e) A gift that is not used and that, within thirty days after receipt, is returned to the donor or delivered to a charitable organization. However, this exclusion from the definition does not apply if the recipient of the gift delivers the gift to a charitable organization and claims the delivery as a charitable contribution for tax purposes;~~

~~(f) A gift given under circumstances where it is clear beyond any doubt that the gift was not made as part of any design to gain or maintain influence in the governmental entity of which the recipient is an officer or official or with respect to any legislative matter or matters of that governmental entity; or~~

~~(g) A gift given prior to September 29, 1991)) is as defined in RCW 42.52.010.~~

~~((47)) (23) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household. For the purposes of RCW 42.17.640 through 42.17.790, "immediate family" means an individual's spouse, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse and the spouse of any such person.~~

~~(24) "Independent expenditure" means an expenditure that has each of the following elements:~~

~~(a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;~~

~~(b) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and~~

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of five hundred dollars or more. A series of expenditures, each of which is under five hundred dollars constitutes one independent expenditure if their cumulative value is five hundred dollars or more.

(25)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family as defined for purposes of RCW 42.17.640 through 42.17.790, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

~~((18))~~ (26) "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.

~~((19))~~ (27) "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.

~~((20))~~ (28) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

~~((21))~~ (29) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist.

~~((22))~~ (30) "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.

~~((23))~~ (31) "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.

~~((24))~~ (32) "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.

~~((25))~~ (33) "Political committee" means any person (except a candidate or an individual dealing with his or her 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.

~~((26))~~ (34) "Primary" means the procedure for nominating a candidate to state office under chapter 29.18 or 29.21 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29.18 or 29.21 RCW.

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

~~((27))~~ (36) "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. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW 40.14.100 and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives.

~~((28))~~ (37) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW 29.82.015 and ending thirty days after the recall election.

(38) "State legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

(39) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

(40) "State official" means a person who holds a state office.

(41) "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.

~~((29))~~ (42) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of

communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

**Sec. 2.** RCW 42.17.080 and 1989 c 280 s 8 are each amended to read as follows:

(1) On the day the treasurer is designated, each candidate or political committee shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the treasurer resides, in addition to any statement of organization required under RCW 42.17.040 or 42.17.050, a report of all contributions received and expenditures made prior to that date, if any.

(2) At the following intervals each treasurer shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the committee maintains its office or headquarters, and if there is no office or headquarters then in the county in which the treasurer resides, a report containing the information required by RCW 42.17.090:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and

(b) On the tenth day of the first month after the election: PROVIDED, That this report shall not be required following a primary election from:

(i) A candidate whose name will appear on the subsequent general election ballot; or

(ii) Any continuing political committee; and

(c) On the tenth day of each month in which no other reports are required to be filed under this section: PROVIDED, That such report shall only be filed if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.

When there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and in the case of a political committee, the committee has ceased to function and has dissolved, the treasurer shall file a final report. Upon submitting a final report, the duties of the treasurer shall cease and there shall be no obligation to make any further reports.

The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of the fifth business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of the

one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(3) For the period beginning the first day of the fourth month preceding the date on which the special or general election is held and ending on the date of that election, each Friday the treasurer shall file with the commission and the appropriate county elections officer a report of each ~~((contribution received))~~ bank deposit made during ~~((that period at the time that contribution is deposited pursuant to RCW 42.17.060(1)))~~ the previous seven calendar days. The report shall contain the name of each person contributing the funds so deposited and the amount contributed by each person. However, contributions of no more than twenty-five dollars in the aggregate from any one person may be deposited without identifying the contributor. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by a deputy treasurer, the copy shall be forwarded to the treasurer ~~((to be retained by him))~~ for his or her records. Each report shall be certified as correct by the treasurer or deputy treasurer making the deposit.

(4) The treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day and shall be open for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission. The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

(5) All reports filed pursuant to subsections (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

(6) Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission.

(7) The commission shall adopt administrative rules establishing requirements for filer participation in any system designed and implemented by the commission for the electronic filing of reports.

*\*Sec. 3. RCW 42.17.090 and 1993 c 256 s 6 are each amended to read as follows:*

(1) Each report required under RCW 42.17.080 (1) and (2) shall disclose the following:

(a) The funds on hand at the beginning of the period;

(b) Only the name and address of each person who has made one or more contributions during the period, together with the money value and date of such contributions and the aggregate value of all contributions received from each such person during the campaign or in the case of a continuing political committee, the current calendar year: PROVIDED, That pledges in the aggregate of less than one hundred dollars from any one person need not be reported: PROVIDED FURTHER, That the income which results from a fund-raising activity conducted in accordance with RCW 42.17.067 may be reported as one lump sum, with the exception of that portion of such income which was received from persons whose names and addresses are required to be included in the report required by RCW 42.17.067: PROVIDED FURTHER, That contributions of no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum so long as the campaign treasurer maintains a separate and private list of the name, address, and amount of each such contributor: PROVIDED FURTHER, That the money value of contributions of postage shall be the face value of such postage;

(c) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(d) All other contributions not otherwise listed or exempted;

~~(e) ((The name and address of each candidate or political committee to which any transfer of funds was made, together with the amounts and dates of such transfers;~~

~~(f)) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars during the period covered by this report, and the amount, date, and purpose of each such expenditure. ((A candidate for state executive or state legislative office or the political committee of such a candidate shall report this information for an expenditure under one of the following categories, whichever is appropriate: (i) Expenditures for the election of the candidate; (ii) expenditures for nonreimbursed public office related expenses; (iii) expenditures required to be reported under (c) of this subsection; or (iv) expenditures of surplus funds and other expenditures. The report of such a candidate or committee shall contain a separate total of expenditures for each category and a total sum of all expenditures. Other candidates and political committees need not report information regarding expenditures under the categories listed in (i) through (iv) of this subsection or under similar such categories unless required to do~~



~~so by the commission by rule.))~~ *The report ((of such an other candidate or committee shall)) must also contain the total sum of all expenditures;*

~~((g))~~ *(f) The name and address of each person to whom any expenditure was made directly or indirectly to compensate the person for soliciting or procuring signatures on an initiative or referendum petition, the amount of such compensation to each such person, and the total of the expenditures made for this purpose. Such expenditures shall be reported under this subsection (1)((g)) (f) whether the expenditures are or are not also required to be reported under ((f)) (e) of this subsection;*

~~((h))~~ *(g) The name and address of any person and the amount owed for any debt, obligation, note, unpaid loan, or other liability in the amount of more than two hundred fifty dollars or in the amount of more than fifty dollars that has been outstanding for over thirty days;*

~~((i))~~ *(h) The surplus or deficit of contributions over expenditures;*

~~((j))~~ *(i) The disposition made in accordance with RCW 42.17.095 of any surplus funds;*

~~((k))~~ *(j) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter; and*

~~((l))~~ *(k) Funds received from a political committee not otherwise required to report under this chapter (a "nonreporting committee"). Such funds shall be forfeited to the state of Washington unless the nonreporting committee has filed or within ten days following such receipt files with the commission a statement disclosing: (i) Its name and address; (ii) the purposes of the nonreporting committee; (iii) the names, addresses, and titles of its officers or if it has no officers, the names, addresses, and titles of its responsible leaders; (iv) the name, office sought, and party affiliation of each candidate in the state of Washington whom the nonreporting committee is supporting, and, if such committee is supporting the entire ticket of any party, the name of the party; (v) the ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor of or opposed to such proposition; (vi) the name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions in the aggregate of more than twenty-five dollars to the nonreporting committee during the current calendar year, together with the money value and date of such contributions; (vii) the name and address of each person in the state of Washington to whom an expenditure was made by the nonreporting committee on behalf of a candidate or political committee in the aggregate amount of more than fifty dollars, the amount, date, and purpose of such expenditure, and the total sum of such expenditures; (viii) such other information as the commission may prescribe by rule, in keeping with the policies and purposes of this chapter. A nonreporting committee incurring an obligation to file additional reports in a calendar year may satisfy the obligation by filing with the commission a letter providing updating or amending information.*

*(2) The treasurer and the candidate shall certify the correctness of each report.*

\*Sec. 3 was vetoed. See message at end of chapter.

**Sec. 4.** RCW 42.17.105 and 1991 c 157 s 1 are each amended to read as follows:

(1) Campaign treasurers shall prepare and deliver to the commission a special report regarding any contribution or aggregate of contributions which: Exceeds five hundred dollars; is from a single person or entity; and is received during a special reporting period.

Any political committee making a contribution or an aggregate of contributions to a single entity which exceeds five hundred dollars shall also prepare and deliver to the commission the special report if the contribution or aggregate of contributions is made during a special reporting period.

For the purposes of subsections (1) through (7) of this section:

(a) Each of the following intervals is a special reporting period: (i) The interval beginning after the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before a primary and concluding on the end of the day before that primary; and (ii) the interval composed of the twenty-one days preceding a general election; and

(b) An aggregate of contributions includes only those contributions received from a single entity during any one special reporting period or made by the contributing political committee to a single entity during any one special reporting period.

(2) If a campaign treasurer files a special report under this section for one or more contributions received from a single entity during a special reporting period, the treasurer shall also file a special report under this section for each subsequent contribution of any size which is received from that entity during the special reporting period. If a political committee files a special report under this section for a contribution or contributions made to a single entity during a special reporting period, the political committee shall also file a special report for each subsequent contribution of any size which is made to that entity during the special reporting period.

(3) Except as provided in subsection (4) of this section, the special report required by this section shall be delivered electronically or in written form, including but not limited to mailgram, telegram, or nightletter. The special report required of a contribution recipient by subsection (1) of this section shall be delivered to the commission within forty-eight hours of the time, or on the first working day after: The contribution exceeding five hundred dollars is received by the candidate or treasurer; the aggregate received by the candidate or treasurer first exceeds five hundred dollars; or the subsequent contribution that must be reported under subsection (2) of this section is received by the candidate or treasurer. The special report required of a contributor by subsection (1) of this section or RCW 42.17.175 shall be delivered to the commission, and the candidate or political committee to whom the contribution or contributions are

made, within twenty-four hours of the time, or on the first working day after: The contribution is made; the aggregate of contributions made first exceeds five hundred dollars; or the subsequent contribution that must be reported under subsection (2) of this section is made.

(4) The special report may be transmitted orally by telephone to the commission to satisfy the delivery period required by subsection (3) of this section if the written form of the report is also mailed to the commission and postmarked within the delivery period established in subsection (3) of this section or the file transfer date of the electronic filing is within the delivery period established in subsection (3) of this section.

(5) The special report shall include at least:

- (a) The amount of the contribution or contributions;
- (b) The date or dates of receipt;
- (c) The name and address of the donor;
- (d) The name and address of the recipient; and
- (e) Any other information the commission may by rule require.

(6) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

(7) The commission shall (~~publish~~) prepare daily a summary of the special reports made under this section and RCW 42.17.175.

(8) It is a violation of this chapter for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17.090 in the aggregate exceeding fifty thousand dollars for any campaign for state-wide office or exceeding five thousand dollars for any other campaign subject to the provisions of this chapter within twenty-one days of a general election. This subsection does not apply to contributions made by, or accepted from, a (~~major Washington state~~) bona fide political party as defined in (~~RCW 29.01.090~~) this chapter, excluding the county central committee or legislative district committee.

(9) Contributions governed by this section include, but are not limited to, contributions made or received indirectly through a third party or entity whether the contributions are or are not reported to the commission as earmarked contributions under RCW 42.17.135.

**Sec. 5.** RCW 42.17.132 and 1993 c 2 s 25 are each amended to read as follows:

~~((During the twelve month period preceding the expiration of a state legislator's term in office, no incumbent to that office may mail to a constituent at public expense a letter, newsletter, brochure, or other piece of literature that is not in direct response to that constituent's request for a response or for information. However,))~~

During the twelve-month period preceding the last day for certification of the election results for a state legislator's election to office, the legislator may not mail to a constituent at public expense a letter, newsletter, brochure, or other piece of literature except as provided in this section.

The legislator may mail one mailing ((mailed within)) no later than thirty days after the start of a regular legislative session and one mailing ((mailed within)) no later than sixty days after the end of a regular legislative session of identical newsletters to constituents ((are permitted)).

The legislator may mail an individual letter to an individual constituent who (1) has contacted the legislator regarding the subject matter of the letter during the legislator's current term of office; or (2) holds a governmental office with jurisdiction over the subject matter of the letter.

A violation of this section constitutes use of the facilities of a public office for the purpose of assisting a campaign under RCW ((42.17.130)) 42.52.180.

The house of representatives and senate shall specifically limit expenditures per member for the total cost of mailings, including but not limited to production costs, printing costs, and postage.

Sec. 6. RCW 42.17.155 and 1985 c 367 s 8 are each amended to read as follows:

Each lobbyist shall at the time he or she registers submit to the commission a recent photograph of himself or herself of a size and format as determined by rule of the commission, together with the name of the lobbyist's employer, the length of his or her employment as a lobbyist before the legislature, a brief biographical description, and any other information he or she may wish to submit not to exceed fifty words in length. Such photograph and information shall be published at least ((annually)) biennially in a booklet form by the commission for distribution to legislators and the public.

Sec. 7. RCW 42.17.190 and 1986 c 239 s 1 are each amended to read as follows:

~~(1) (Every legislator and every committee of the legislature shall file with the commission quarterly reports listing the names, addresses, and salaries of all persons employed by the person or committee making the filing for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties of such legislator or committee during the preceding quarter. The reports shall be made in the form and the manner prescribed by the commission and shall be filed between the first and tenth days of each calendar quarter. PROVIDED, That the information required by this subsection may be supplied, insofar as it is available, by the chief clerk of the house of representatives or by the secretary of the senate on a form prepared by the commission.))~~  
The house of representatives and the senate shall report annually: The total budget; the portion of the total attributed to staff; and the number of full-time and part-time staff positions by assignment, with dollar figures as well as number of positions.

(2) Unless authorized by subsection (3) of this section or otherwise expressly authorized by law, no public funds may be used directly or indirectly for lobbying: PROVIDED, This does not prevent officers or employees of an agency from communicating with a member of the legislature on the request of

that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties: PROVIDED FURTHER, That this subsection does not apply to the legislative branch.

(3) Any agency, not otherwise expressly authorized by law, may expend public funds for lobbying, but such lobbying activity shall be limited to (a) providing information or communicating on matters pertaining to official agency business to any elected official or officer or employee of any agency or (b) advocating the official position or interests of the agency to any elected official or officer or employee of any agency: PROVIDED, That public funds may not be expended as a direct or indirect gift or campaign contribution to any elected official or officer or employee of any agency. For the purposes of this subsection, the term "gift" means a voluntary transfer of any thing of value without consideration of equal or greater value, but does not include informational material transferred for the sole purpose of informing the recipient about matters pertaining to official agency business(~~(- PROVIDED FURTHER, That)~~). This section does not permit the printing of a state publication which has been otherwise prohibited by law.

(4) No elective official or any employee of his or her office or any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, in any effort to support or oppose an initiative to the legislature. "Facilities of a public office or agency" has the same meaning as in RCW 42.17.130 and 42.52.180. The provisions of this subsection shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose an initiative to the legislature so long as (i) any required notice of the meeting includes the title and number of the initiative to the legislature, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any initiative to the legislature at an open press conference or in response to a specific inquiry;

(c) Activities which are part of the normal and regular conduct of the office or agency;

(d) Activities conducted regarding an initiative to the legislature that would be permitted under RCW 42.17.130 and 42.52.180 if conducted regarding other ballot measures.

(5) Each state agency, county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district which expends public funds for lobbying shall file with the commission, except as exempted by (d) of this

subsection, quarterly statements providing the following information for the quarter just completed:

- (a) The name of the agency filing the statement;
- (b) The name, title, and job description and salary of each elected official, officer, or employee who lobbied, a general description of the nature of the lobbying, and the proportionate amount of time spent on the lobbying;
- (c) A listing of expenditures incurred by the agency for lobbying including but not limited to travel, consultant or other special contractual services, and brochures and other publications, the principal purpose of which is to influence legislation;
- (d) For purposes of this subsection the term "lobbying" does not include:
  - (i) Requests for appropriations by a state agency to the office of financial management pursuant to chapter 43.88 RCW nor requests by the office of financial management to the legislature for appropriations other than its own agency budget requests;
  - (ii) Recommendations or reports to the legislature in response to a legislative request expressly requesting or directing a specific study, recommendation, or report by an agency on a particular subject;
  - (iii) Official reports including recommendations submitted to the legislature on an annual or biennial basis by a state agency as required by law;
  - (iv) Requests, recommendations, or other communication between or within state agencies or between or within local agencies;
  - (v) Any other lobbying to the extent that it includes:
    - (A) Telephone conversations or preparation of written correspondence;
    - (B) In-person lobbying on behalf of an agency of no more than four days or parts thereof during any three-month period by officers or employees of that agency and in-person lobbying by any elected official of such agency on behalf of such agency or in connection with the powers, duties, or compensation of such official: PROVIDED, That the total expenditures of nonpublic funds made in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington do not exceed fifteen dollars for any three-month period: PROVIDED FURTHER, That the exemption under this subsection is in addition to the exemption provided in (A) of this subsection;
    - (C) Preparation or adoption of policy positions.

The statements shall be in the form and the manner prescribed by the commission and shall be filed within one month after the end of the quarter covered by the report.

(6) In lieu of reporting under subsection (5) of this section any county, city, town, municipal corporation, quasi municipal corporation, or special purpose district may determine and so notify the public disclosure commission, that elected officials, officers, or employees who on behalf of any such local agency engage in lobbying reportable under subsection (5) of this section shall register and report such reportable lobbying in the same manner as a lobbyist who is

required to register and report under RCW 42.17.150 and 42.17.170. Each such local agency shall report as a lobbyist employer pursuant to RCW 42.17.180.

(7) The provisions of this section do not relieve any elected official or officer or employee of an agency from complying with other provisions of this chapter, if such elected official, officer, or employee is not otherwise exempted.

(8) The purpose of this section is to require each state agency and certain local agencies to report the identities of those persons who lobby on behalf of the agency for compensation, together with certain separately identifiable and measurable expenditures of an agency's funds for that purpose. This section shall be reasonably construed to accomplish that purpose and not to require any agency to report any of its general overhead cost or any other costs which relate only indirectly or incidentally to lobbying or which are equally attributable to or inseparable from nonlobbying activities of the agency.

The public disclosure commission may adopt rules clarifying and implementing this legislative interpretation and policy.

**Sec. 8.** RCW 42.17.240 and 1993 c 2 s 31 are each amended to read as follows:

(1) Every elected official and every executive state officer shall after January 1st and before April 15th of each year file with the commission a statement of financial affairs for the preceding calendar year. However, any local elected official whose term of office expires immediately after December 31st shall file the statement required to be filed by this section for the year that ended on that December 31st. ~~((In addition to and in conjunction with the statement of financial affairs, every official and officer shall file a statement describing any gifts received during the preceding calendar year.))~~

(2) Every candidate shall within two weeks of becoming a candidate file with the commission a statement of financial affairs for the preceding twelve months.

(3) Every person appointed to a vacancy in an elective office or executive state officer position shall within two weeks of being so appointed file with the commission a statement of financial affairs for the preceding twelve months.

(4) A statement of a candidate or appointee filed during the period from January 1st to April 15th shall cover the period from January 1st of the preceding calendar year to the time of candidacy or appointment if the filing of the statement would relieve the individual of a prior obligation to file a statement covering the entire preceding calendar year.

(5) No individual may be required to file more than once in any calendar year.

(6) Each statement of financial affairs filed under this section shall be sworn as to its truth and accuracy.

(7) Every elected official and every executive state officer shall file with their statement of financial affairs a statement certifying that they have read and are familiar with RCW 42.17.130 or 42.52.180, whichever is applicable.

(8) For the purposes of this section, the term "executive state officer" includes those listed in RCW 42.17.2401.

~~((8))~~ (9) This section does not apply to incumbents or candidates for a federal office or the office of precinct committee officer.

Sec. 9. RCW 42.17.241 and 1984 c 34 s 3 are each amended to read as follows:

**FINANCIAL AFFAIRS REPORT—GIFTS.** (1) The statement of financial affairs required by RCW 42.17.240 shall disclose for the reporting individual and each member of his or her immediate family:

(a) Occupation, name of employer, and business address; and

(b) Each bank or savings account or insurance policy in which any such person or persons owned a direct financial interest that exceeded five thousand dollars at any time during the reporting period; each other item of intangible personal property in which any such person or persons owned a direct financial interest, the value of which exceeded five hundred dollars during the reporting period; the name, address, and nature of the entity; and the nature and highest value of each such direct financial interest during the reporting period; and

(c) The name and address of each creditor to whom the value of five hundred dollars or more was owed; the original amount of each debt to each such creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt: PROVIDED, That debts arising out of a "retail installment transaction" as defined in chapter 63.14 RCW (Retail Installment Sales Act) need not be reported; and

(d) Every public or private office, directorship, and position held as trustee; and

(e) All persons for whom any legislation, rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation: PROVIDED, That for the purposes of this subsection, "compensation" does not include payments made to the person reporting by the governmental entity for which such person serves as an elected official or state executive officer or professional staff member for his service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid; and

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of the compensation; and the consideration given or performed in exchange for the compensation; and

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership



interest; and with respect to each such entity: (i) With respect to a governmental unit in which the official seeks or holds any office or position, if the entity has received compensation in any form during the preceding twelve months from the governmental unit, the value of the compensation and the consideration given or performed in exchange for the compensation; (ii) the name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which the entity has received compensation in any form in the amount of two thousand five hundred dollars or more during the preceding twelve months and the consideration given or performed in exchange for the compensation: PROVIDED, That the term "compensation" for purposes of this subsection (1)(g)(ii) does not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing the service: PROVIDED, FURTHER, That with respect to any bank or commercial lending institution in which is held any office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of the bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by the bank or commercial lending institution from the governmental entity for which the individual is an official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by the bank or commercial lending institution if the interest exceeds six hundred dollars; and

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for that interest; and

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for that interest, and the name and address of the person furnishing the consideration; and

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: PROVIDED, That if a description of the property has been included in a report previously filed, the property may be listed, for purposes of this provision, by reference to the previously filed report; and

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed

valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm, or enterprise a ten percent or greater ownership interest was held; and

(l) A list of each occasion, specifying date, donor, and amount, at which food and beverage in excess of fifty dollars was accepted under RCW 42.52.150(5);

(m) A list of each occasion, specifying date, donor, and amount, at which items specified in RCW 42.52.010(9) (d) and (f) were accepted;

(n) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall prescribe by rule.

(2) Where an amount is required to be reported under subsection (1)(~~paragraphs~~) (a) through (~~(k)~~) (m) of this section, it shall be sufficient to comply with the requirement to report whether the amount is less than one thousand dollars, at least one thousand dollars but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty-five thousand dollars, or twenty-five thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection may be interpreted to prevent any person from filing more information or more detailed information than required.

(3) Items of value given to an official's or employee's spouse or family member are attributable to the official or employee, except the item is not attributable if an independent business, family, or social relationship exists between the donor and the spouse or family member.

Sec. 10. RCW 42.17.2401 and 1993 sp.s. c 2 s 18, 1993 c 492 s 488, and 1993 c 281 s 43 are each reenacted and amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community, trade, and economic development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of

the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, ~~((the director of trade and economic development,))~~ the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, executive ethics board, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, commission on judicial conduct, legislative ethics board, liquor control board, lottery commission, marine oversight board, ~~((oil and gas conservation committee,))~~ Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, public employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

**Sec. 11.** RCW 42.17.260 and 1992 c 139 s 3 are each amended to read as follows:

(1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (6) of this section, RCW 42.17.310, 42.17.315, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.17.310 and 42.17.315, an agency shall delete identifying details in a manner consistent with RCW 42.17.310 and 42.17.315 when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) For informational purposes, each agency shall publish and maintain a current list containing every law, other than those listed in this chapter, that the agency believes exempts or prohibits disclosure of specific information or records of the agency. An agency's failure to list an exemption shall not affect the efficacy of any exemption.

(3) Each local agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after January 1, 1973:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(4) A local agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

(5) Each state agency shall, by rule, establish and implement a system of indexing for the identification and location of the following records:

(a) All records issued before July 1, 1990, for which the agency has maintained an index;

(b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(d) Interpretive statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990; and

(e) Policy statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990.

Rules establishing systems of indexing shall include, but not be limited to, requirements for the form and content of the index, its location and availability to the public, and the schedule for revising or updating the index. State agencies that have maintained indexes for records issued before July 1, 1990, shall continue to make such indexes available for public inspection and copying. Information in such indexes may be incorporated into indexes prepared pursuant to this subsection. State agencies may satisfy the requirements of this subsection by making available to the public indexes prepared by other parties but actually used by the agency in its operations. State agencies shall make indexes available for public inspection and copying. State agencies may charge a fee to cover the actual costs of providing individual mailed copies of indexes.

(6) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if—

(a) It has been indexed in an index available to the public; or

(b) Parties affected have timely notice (actual or constructive) of the terms thereof.

(7) This chapter shall not be construed as giving authority to any agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives shall not do so unless specifically authorized or directed by law: PROVIDED, HOWEVER, That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: PROVIDED FURTHER, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.05 RCW, the Administrative Procedure Act.

**Sec. 12.** RCW 42.17.280 and 1973 c 1 s 28 are each amended to read as follows:

Public records shall be available for inspection and copying during the customary office hours of the agency, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives: PROVIDED, That if the ~~((agency))~~ entity does not have customary office hours of at least thirty hours per week, the public records shall be available from nine o'clock a.m. to noon and from one o'clock p.m. to four o'clock p.m. Monday through Friday, excluding legal holidays, unless the person making the request and the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives or its representative agree on a different time.

**Sec. 13.** RCW 42.17.290 and 1992 c 139 s 4 are each amended to read as follows:

Agencies shall adopt and enforce reasonable rules and regulations, and the office of the secretary of the senate and the office of the chief clerk of the house of representatives shall adopt reasonable procedures allowing for the time, resource, and personnel constraints associated with legislative sessions, consonant with the intent of this chapter to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives. Such rules and regulations shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information. Nothing in this section shall relieve agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives from honoring requests received by mail for copies of identifiable public records.

If a public record request is made at a time when such record exists but is scheduled for destruction in the near future, the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives shall retain possession of the record, and may not destroy or erase the record until the request is resolved.

**Sec. 14.** RCW 42.17.300 and 1973 c 1 s 30 are each amended to read as follows:

No fee shall be charged for the inspection of public records. ~~((Agencies may impose))~~ Δ reasonable charge may be imposed for providing copies of public records and for the use by any person of agency equipment or equipment of the office of the secretary of the senate or the office of the chief clerk of the house of representatives to copy public records, which charges shall not exceed the amount necessary to reimburse the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives for its actual costs incident to such copying.

**Sec. 15.** RCW 42.17.320 and 1992 c 139 s 6 are each amended to read as follows:

Responses to requests for public records shall be made promptly by agencies, the office of the secretary of the senate, and the office of the chief

clerk of the house of representatives. Within five business days of receiving a public record request, an agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives must respond by either (1) providing the record; (2) acknowledging that the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives has received the request and providing a reasonable estimate of the time the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives will require to respond to the request; or (3) denying the public record request. Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, an agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives need not respond to it. Denials of requests must be accompanied by a written statement of the specific reasons therefor. Agencies, the office of the secretary of the senate and the office of the chief clerk of the house of representatives shall establish mechanisms for the most prompt possible review of decisions denying inspection, and such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action or final action by the office of the secretary of the senate or the office of the chief clerk of the house of representatives for the purposes of judicial review.

**NEW SECTION. Sec. 16.** A new section is added to chapter 42.17 RCW, to be codified after RCW 42.17.340, to read as follows:

The procedures in RCW 42.17.340 govern denials of an opportunity to inspect or copy a public record by the office of the secretary of the senate or the office of the chief clerk of the house of representatives.

**Sec. 17.** RCW 42.17.370 and 1994 c 40 s 3 are each amended to read as follows:

The commission is empowered to:

(1) Adopt, promulgate, amend, and rescind suitable administrative rules to carry out the policies and purposes of this chapter, which rules shall be adopted under chapter 34.05 RCW. Any rule relating to campaign finance, political advertising, or related forms that would otherwise take effect after June 30th of a general election year shall take effect no earlier than the day following the general election in that year;

(2) Appoint and set, within the limits established by the committee on agency officials' salaries under RCW 43.03.028, the compensation of an

executive director who shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor shall it delegate authority to determine whether an actual violation of this chapter has occurred or to assess penalties for such violations;

(3) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(4) Make from time to time, on its own motion, audits and field investigations;

(5) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;

(6) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;

(7) Adopt and promulgate a code of fair campaign practices;

(8) Relieve, by rule, candidates or political committees of obligations to comply with the provisions of this chapter relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars;

(9) Adopt rules prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. The term "legislative information," for the purposes of this subsection, means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his or her regular examination of each agency under chapter 43.09 RCW shall review the rules, accounts, and reports and make appropriate findings, comments, and recommendations in his or her examination reports concerning those agencies;

(10) After hearing, by order approved and ratified by a majority of the membership of the commission, suspend or modify any of the reporting requirements of this chapter in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that the suspension or modification will not frustrate the purposes of the chapter. The commission shall find that a manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive position of any entity in



which the person filing the report or any member of his or her immediate family holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more. Any suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required under this section. Requests for renewals of reporting modifications may be heard in a brief adjudicative proceeding as set forth in RCW 34.05.482 through 34.05.494 and in accordance with the standards established in this section. No initial request may be heard in a brief adjudicative proceeding and no request for renewal may be heard in a brief adjudicative proceeding if the initial request was granted more than three years previously or if the applicant is holding an office or position of employment different from the office or position held when the initial request was granted. The commission shall adopt administrative rules governing the proceedings. Any citizen has standing to bring an action in Thurston county superior court to contest the propriety of any order entered under this section within one year from the date of the entry of the order; and

(11) Revise, at least once every five years but no more often than every two years, the monetary reporting thresholds and reporting code values of this chapter. The revisions shall be only for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the period commencing with the month of December preceding the last revision and concluding with the month of December preceding the month the revision is adopted. As to each of the three general categories of this chapter (reports of campaign finance, reports of lobbyist activity, and reports of the financial affairs of elected and appointed officials), the revisions shall equally affect all thresholds within each category. Revisions shall be adopted as rules under chapter 34.05 RCW. The first revision authorized by this subsection shall reflect economic changes from the time of the last legislative enactment affecting the respective code or threshold through December 1985;

(12) Develop and provide to filers a system for certification of reports required under this chapter which are transmitted by facsimile or electronically to the commission. Implementation of the program is contingent on the availability of funds.

**Sec. 18.** RCW 42.17.420 and 1983 c 176 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, when any application, report, statement, notice, or payment required to be made under the provisions of this chapter has been deposited postpaid in the United States mail properly addressed, it shall be deemed to have been received on the date of mailing. It shall be presumed that the date shown by the post office cancellation mark on the envelope is the date of mailing. The provisions of this section do

not apply to reports required to be delivered under RCW 42.17.105 and 42.17.175.

(2) When a report is filed electronically with the commission, it is deemed to have been received on the file transfer date. Electronic filing may be used for purposes of filing the special reports required to be delivered under RCW 42.17.105 and 42.17.175.

**Sec. 19.** RCW 42.17.510 and 1993 c 2 s 22 are each amended to read as follows:

(1) All written political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name and address. All radio and television political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name. The use of an assumed name shall be unlawful. The party with which a candidate files shall be clearly identified in political advertising for partisan office.

(2) In addition to the materials required by subsection (1) of this section, all political advertising undertaken as an independent expenditure by a person or entity other than a party organization must include the following statement on the communication "NOTICE TO VOTERS (Required by law): This advertisement is not authorized or approved by any candidate. It is paid for by (name, address, city, state)." If the advertisement undertaken as an independent expenditure is undertaken by a nonindividual other than a party organization, then the following notation must also be included: "Top Five Contributors," followed by a listing of the names of the five persons or entities making the largest contributions reportable under this chapter during the twelve-month period before the date of the advertisement.

(3) The statements and listings of contributors required by subsections (1) and (2) of this section shall:

(a) Appear on ~~((each))~~ the first page or fold of the written communication in at least ten-point type, or in type at least ten percent of the largest size type used in a written communication directed at more than one voter, such as a billboard or poster, whichever is larger;

(b) Not be subject to the half-tone or screening process;

(c) Be ~~((in a printed or drawn box))~~ set apart from any other printed matter; and

(d) Be clearly spoken on any broadcast advertisement.

(4) Political yard signs are exempt from the requirement of subsections (1) and (2) of this section that the name and address of the sponsor of political advertising be listed on the advertising. In addition, the public disclosure commission shall, by rule, exempt from the identification requirements of subsections (1) and (2) of this section forms of political advertising such as campaign buttons, balloons, pens, pencils, sky-writing, inscriptions, and other forms of advertising where identification is impractical.

(5) For the purposes of this section, "yard sign" means any outdoor sign with dimensions no greater than eight feet by four feet.

**Sec. 20.** RCW 42.17.640 and 1993 c 2 s 4 are each amended to read as follows:

(1) No person, other than a bona fide political party or a caucus (~~(of the state legislature)~~) political committee, may make contributions to a candidate for a state legislative office that in the aggregate exceed five hundred dollars or to a candidate for a state office other than a state legislative office that in the aggregate exceed one thousand dollars for each election in which the candidate is on the ballot or appears as a write-in candidate. Contributions made with respect to a primary may not be made after the date of the primary. Contributions made with respect to a general election may not be made after the final day of the applicable election cycle.

(2) No person, other than a bona fide political party or a caucus (~~(of the state legislature)~~) political committee, may make contributions to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the state official, during a recall campaign that in the aggregate exceed five hundred dollars if for a state legislative office or one thousand dollars if for a state office other than a state legislative office.

(3)(a) Notwithstanding subsection (1) of this section, no bona fide political party or caucus (~~(of the state legislature)~~) political committee may make contributions to a candidate during an election cycle that in the aggregate exceed (i) fifty cents multiplied by the number of eligible registered voters in the jurisdiction from which the candidate is elected if the contributor is a caucus (~~(of the state legislature)~~) political committee or the governing body of a state organization, or (ii) twenty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No candidate may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed twenty-five cents times the number of registered voters in the jurisdiction from which the candidate is elected.

(4)(a) Notwithstanding subsection (2) of this section, no bona fide political party or caucus (~~(of the state legislature)~~) political committee may make contributions to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the state official, during a recall campaign that in the aggregate exceed (i) fifty cents multiplied by the number of eligible registered voters in the jurisdiction entitled to recall the state official if the contributor is a caucus (~~(of the state legislature of {or})~~) political committee or the governing body of a state organization, or (ii) twenty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No state official against whom recall charges have been filed, no authorized committee of the official, and no political committee having the expectation of making expenditures in support of the recall of a state official may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed twenty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected.

(5) For purposes of determining contribution limits under subsections (3) and (4) of this section, the number of eligible registered voters in a jurisdiction is the number at the time of the most recent general election in the jurisdiction.

(6) Notwithstanding subsections (1) through (4) of this section, no person other than an individual, bona fide political party, or caucus ((of the state legislature)) political committee may make contributions reportable under this chapter to a caucus ((of the state legislature)) political committee that in the aggregate exceed five hundred dollars in a calendar year or to a bona fide political party that in the aggregate exceed two thousand five hundred dollars in a calendar year. This subsection does not apply to loans made in the ordinary course of business.

~~((6))~~ (7) For the purposes of RCW 42.17.640 through 42.17.790, a contribution to the authorized political committee of a candidate, or of a state official against whom recall charges have been filed, is considered to be a contribution to the candidate or state official.

~~((7))~~ (8) A contribution received within the twelve-month period after a recall election concerning a state office is considered to be a contribution during that recall campaign if the contribution is used to pay a debt or obligation incurred to influence the outcome of that recall campaign.

~~((8))~~ (9) The contributions allowed by subsection (2) of this section are in addition to those allowed by subsection (1) of this section, and the contributions allowed by subsection (4) of this section are in addition to those allowed by subsection (3) of this section.

~~((9))~~ (10) RCW 42.17.640 through 42.17.790 apply to a special election conducted to fill a vacancy in a state office. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy shall not be counted toward any of the limitations that apply to the candidate or to contributions made to the candidate for any other primary or election.

~~((10))~~ (11) Notwithstanding the other subsections of this section, no corporation or business entity not doing business in Washington state, no labor union with fewer than ten members who reside in Washington state, and no political committee that has not received contributions of ten dollars or more from at least ten persons registered to vote in Washington state during the preceding one hundred eighty days may make contributions reportable under this chapter to a candidate, to a state official against whom recall charges have been

filed, or to a political committee having the expectation of making expenditures in support of the recall of the official. This subsection does not apply to loans made in the ordinary course of business.

~~((11))~~ (12) Notwithstanding the other subsections of this section, no county central committee or legislative district committee may make contributions reportable under this chapter to a candidate, state official against whom recall charges have been filed, or political committee having the expectation of making expenditures in support of the recall of a state official if the county central committee or legislative district committee is outside of the jurisdiction entitled to elect the candidate or recall the state official.

~~((12))~~ (13) No person may accept contributions that exceed the contribution limitations provided in this section.

(14) The following contributions are exempt from the contribution limits of this section:

(a) An expenditure or contribution earmarked for voter registration, for absentee ballot information, for precinct caucuses, for get-out-the-vote campaigns, for precinct judges or inspectors, for sample ballots, or for ballot counting, all without promotion of or political advertising for individual candidates; or

(b) An expenditure by a political committee for its own internal organization or fund raising without direct association with individual candidates.

*\*Sec. 21. RCW 42.17.680 and 1993 c 2 s 8 are each amended to read as follows:*

*(1) No employer or labor organization may increase the salary of an officer or employee, or give an emolument to an officer, employee, or other person or entity, with the intention that the increase in salary, or the emolument, or a part of it, be contributed or spent to support or oppose a candidate, state official against whom recall charges have been filed, political party, or political committee.*

*(2) No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for ~~((a))~~ the failure to contribute to~~((b))~~ or the failure in any way to support or oppose~~((c) in any way supporting or opposing)~~ a candidate, ballot proposition, political party, or political committee.*

*(3) No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert a portion of an employee's wages or salaries for contributions to political committees or for use as political contributions except upon the written request of the employee. The request must be made on a form prescribed by the commission informing the employee of the prohibition against employer and labor organization discrimination described in subsection (2) of this section. The request is valid for no more than twelve months from the date it is made by the employee.*

*(4) Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no*

*less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request.*

\*Sec. 21 was vetoed. See message at end of chapter.

**Sec. 22.** RCW 42.17.720 and 1993 c 2 s 12 are each amended to read as follows:

(1) A loan is considered to be a contribution from the ~~((maker))~~ lender and ~~((the))~~ any guarantor of the loan and is subject to the contribution limitations of this chapter. The full amount of the loan shall be attributed to the lender and to each guarantor.

(2) A loan to a candidate for public office or the candidate's political committee must be by written agreement.

(3) The proceeds of a loan made to a candidate for public office:

(a) By a commercial lending institution;

(b) Made in the regular course of business; and

(c) On the same terms ordinarily available to members of the public~~((; and~~  
~~((d) That is secured or guaranteed)),~~

are not subject to the contribution limits of this chapter.

**Sec. 23.** RCW 42.17.740 and 1993 c 2 s 14 are each amended to read as follows:

TECHNICAL CORRECTIONS. (1) ~~((An individual))~~ A person may not make a contribution of more than fifty dollars, other than an in-kind contribution, except by a written instrument containing the name of the donor and the name of the payee.

(2) A political committee may not make a contribution, other than in-kind, except by a written instrument containing the name of the donor and the name of the payee.

**Sec. 24.** RCW 42.17.750 and 1993 c 2 s 15 are each amended to read as follows:

(1) No state or local official or state or local official's agent may knowingly solicit, directly or indirectly, a contribution to a candidate for public office, political party, or political committee from an employee in the state or local official's agency.

(2) No state or local official or ~~((state))~~ public employee may provide an advantage or disadvantage to an employee or applicant for employment in the classified civil service concerning the applicant's or employee's:

(a) Employment;

(b) Conditions of employment; or

(c) Application for employment,

based on the employee's or applicant's contribution or promise to contribute or failure to make a contribution or contribute to a political party or political committee.

**Sec. 25.** RCW 42.17.770 and 1993 c 2 s 17 are each amended to read as follows:

A person (~~(or entity)~~) may not solicit from a candidate for public office, political committee, political party, or other person (~~(or entity)~~) money or other property as a condition or consideration for an endorsement, article, or other communication in the news media promoting or opposing a candidate for public office, political committee, or political party.

**Sec. 26.** RCW 42.17.780 and 1993 c 2 s 18 are each amended to read as follows:

A person (~~(or entity)~~) may not, directly or indirectly, reimburse another person (~~(or entity)~~) for a contribution to a candidate for public office, political committee, or political party.

**Sec. 27.** RCW 42.17.790 and 1993 c 2 s 19 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a candidate for public office or the candidate's political committee may not use or permit the use of contributions, whether or not surplus, solicited for or received by the candidate for public office or the candidate's political committee to further the candidacy of the individual for an office other than the office designated on the statement of organization. A contribution solicited for or received on behalf of the candidate for public office is considered solicited or received for the candidacy for which the individual is then a candidate if the contribution is solicited or received before the general elections for which the candidate for public office is a nominee or is unopposed.

(2) With the written approval of the contributor, a candidate for public office or the candidate's political committee may use or permit the use of contributions, whether or not surplus, solicited for or received by the candidate for public office or the candidate's political committee from that contributor to further the candidacy of the individual for an office other than the office designated on the statement of organization. If the contributor does not approve the use of his or her contribution to further the candidacy of the individual for an office other than the office designated on the statement of organization at the time of the contribution, the contribution must be considered surplus funds and disposed of in accordance with RCW 42.17.095.

**Sec. 28.** RCW 42.17.100 and 1989 c 280 s 10 are each amended to read as follows:

**INTERNAL POLITICAL COMMUNICATIONS—INDEPENDENT EXPENDITURE.** (1) For the purposes of this section and RCW 42.17.550 the term "independent (~~(campaign)~~) expenditure" means any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not

otherwise required to be reported pursuant to RCW 42.17.060, 42.17.080, or 42.17.090. "Independent expenditure" does not include: An internal political communication primarily limited to the contributors to a political party organization or political action committee, or the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or 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 section, means services or labor for which the individual is not compensated by any person.

(2) Within five days after the date of making an independent ((~~campaign~~)) expenditure that by itself or when added to all other such independent ((~~campaign~~)) expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within five days after the date of making an independent ((~~campaign~~)) expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the independent ((~~campaign~~)) expenditure shall file with the commission and the county elections officer of the county of residence for the candidate supported or opposed by the independent ((~~campaign~~)) expenditure (or in the case of an expenditure made in support of or in opposition to a local ballot proposition, the county of residence for the person making the expenditure) an initial report of all independent ((~~campaign~~)) expenditures made during the campaign prior to and including such date.

(3) At the following intervals each person who is required to file an initial report pursuant to subsection (2) of this section shall file with the commission and the county elections officer of the county of residence for the candidate supported or opposed by the independent ((~~campaign~~)) expenditure (or in the case of an expenditure made in support of or in opposition to a ballot proposition, the county of residence for the person making the expenditure) a further report of the independent ((~~campaign~~)) expenditures made since the date of the last report:

(a) On the twenty-first day and the seventh day preceding the date on which the election is held; and

(b) On the tenth day of the first month after the election; and

(c) On the tenth day of each month in which no other reports are required to be filed pursuant to this section. However, the further reports required by this subsection (3) shall only be filed if the reporting person has made an independent ((~~campaign~~)) expenditure since the date of the last previous report filed.

The report filed pursuant to paragraph (a) of this subsection (3) shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

(4) All reports filed pursuant to this section shall be certified as correct by the reporting person.



(5) Each report required by subsections (2) and (3) of this section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent (~~campaign~~) expenditure, and ending not more than one business day before the date the report is due:

(a) The name and address of the person filing the report;

(b) The name and address of each person to whom an independent (~~campaign~~) expenditure was made in the aggregate amount of more than fifty dollars, and the amount, date, and purpose of each such expenditure. If no reasonable estimate of the monetary value of a particular independent (~~campaign~~) expenditure is practicable, it is sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

(c) The total sum of all independent (~~campaign~~) expenditures made during the campaign to date; and

(d) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter.

Sec. 29. RCW 42.17.125 and 1993 c 2 s 21 are each amended to read as follows:

**TECHNICAL CORRECTIONS.** Contributions received and reported in accordance with RCW 42.17.060 through 42.17.090 may only be transferred to the personal account of a candidate, or of a treasurer or other individual or expended for such individual's personal use under the following circumstances:

(1) Reimbursement for or loans to cover lost earnings incurred as a result of campaigning or services performed for the political committee. Such lost earnings shall be verifiable as unpaid salary, or when the individual is not salaried, as an amount not to exceed income received by the individual for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the individual or the individual's political committee. The political committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(2) Reimbursement for direct out-of-pocket election campaign and postelection campaign related expenses made by the individual. To receive reimbursement from the political committee, the individual shall provide the political committee with written documentation as to the amount, date, and description of each expense, and the political committee shall include a copy of such information when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(3) Repayment of loans made by the individual to political committees, which repayment shall be reported pursuant to RCW 42.17.090. However, contributions may not be used to reimburse a candidate for loans totaling more

than three thousand dollars made by the candidate to the candidate's own ((authorized)) political committee or campaign.

**Sec. 30.** RCW 42.52.180 and 1994 c 154 s 118 are each amended to read as follows:

(1) No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or state employee using public resources in violation of this section constitutes a violation of this section. Facilities of an agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency.

(2) This section shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition as long as (i) required notice of the meeting includes the title and number of the ballot proposition, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry. For the purposes of this subsection, it is not a violation of this section for an elected official to respond to an inquiry regarding a ballot proposition, to make incidental remarks concerning a ballot proposition in an official communication, or otherwise comment on a ballot proposition without an actual, measurable expenditure of public funds. The ~~((public disclosure commission shall, after consultation with the))~~ ethics boards((?)) shall adopt by rule a definition of measurable expenditure;

(c) Activities that are part of the normal and regular conduct of the office or agency; and

(d) De minimis use of public facilities by state-wide elected officials and legislators incidental to the preparation or delivery of permissible communications, including written and verbal communications initiated by them of their views on ballot propositions that foreseeably may affect a matter that falls within their constitutional or statutory responsibilities.

(3) As to state officers and employees, this section operates to the exclusion of RCW 42.17.130.

**Sec. 31.** RCW 42.17.095 and 1993 c 2 s 20 are each amended to read as follows:

The surplus funds of a candidate, or of a political committee supporting or opposing a candidate, may only be disposed of in any one or more of the following ways:

(1) Return the surplus to a contributor in an amount not to exceed that contributor's original contribution;

(2) Transfer the surplus to the candidate's personal account as reimbursement for lost earnings incurred as a result of that candidate's election campaign. Such lost earnings shall be verifiable as unpaid salary or, when the candidate is not salaried, as an amount not to exceed income received by the candidate for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the candidate or the candidate's political committee. The committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090;

(3) Transfer the surplus without limit to a political party or to a caucus (~~(of the state legislature))~~ political committee;

(4) Donate the surplus to a charitable organization registered in accordance with chapter 19.09 RCW;

(5) Transmit the surplus to the state treasurer for deposit in the general fund;  
or

(6) Hold the surplus in the campaign depository or depositories designated in accordance with RCW 42.17.050 for possible use in a future election campaign for the same office last sought by the candidate and report any such disposition in accordance with RCW 42.17.090: PROVIDED, That if the candidate subsequently announces or publicly files for office, information as appropriate is reported to the commission in accordance with RCW 42.17.040 through 42.17.090. If a subsequent office is not sought the surplus held shall be disposed of in accordance with the requirements of this section.

(7) Hold the surplus campaign funds in a separate account for nonreimbursed public office-related expenses or as provided in this section, and report any such disposition in accordance with RCW 42.17.090. The separate account required under this subsection shall not be used for deposits of campaign funds that are not surplus.

(8) No candidate or authorized committee may transfer funds to any other candidate or other political committee.

The disposal of surplus funds under this section shall not be considered a contribution for purposes of this chapter.

**Sec. 32.** RCW 42.17.160 and 1982 c 147 s 12 are each amended to read as follows:

The following persons and activities shall be exempt from registration and reporting under RCW 42.17.150, 42.17.170, and 42.17.200:

(1) Persons who limit their lobbying activities to appearing before public sessions of committees of the legislature, or public hearings of state agencies;

(2) Activities by lobbyists or other persons whose participation has been solicited by an agency under RCW 34.05.310(2);

(3) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station;

~~((3))~~ (4) Persons who lobby without compensation or other consideration for acting as a lobbyist: PROVIDED, Such person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. The exemption contained in this subsection is intended to permit and encourage citizens of this state to lobby any legislator, public official, or state agency without incurring any registration or reporting obligation provided they do not exceed the limits stated above. Any person exempt under this subsection ~~((3))~~

(4) may at his or her option register and report under this chapter;

~~((4))~~ (5) Persons who restrict their lobbying activities to no more than four days or parts thereof during any three-month period and whose total expenditures during such three-month period for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with such lobbying do not exceed twenty-five ~~((dollars))~~ dollars: PROVIDED, That the commission shall promulgate regulations to require disclosure by persons exempt under this subsection or their employers or entities which sponsor or coordinate the lobbying activities of such persons if it determines that such regulations are necessary to prevent frustration of the purposes of this chapter. Any person exempt under this subsection ~~((4))~~

(5) may at his or her option register and report under this chapter;

~~((5))~~ (6) The governor;

~~((6))~~ (7) The lieutenant governor;

~~((7))~~ (8) Except as provided by RCW 42.17.190(1), members of the legislature;

~~((8))~~ (9) Except as provided by RCW 42.17.190(1), persons employed by the legislature for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties;

~~((9))~~ (10) Elected officials, and officers and employees of any agency reporting under RCW 42.17.190(4) as now or hereafter amended.

**Sec. 33.** RCW 42.17.170 and 1991 sp.s. c 18 s 2 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 or her activities signed by the lobbyist. The reports shall be made in the form and manner prescribed by the commission. They shall be due monthly and shall be filed within fifteen days after the last day of the calendar month covered by the report.

(2) Each such monthly periodic report shall contain:

(a) The totals of all expenditures for lobbying activities made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report. Such totals for lobbying activities shall be segregated according to financial category, including compensation; food and refreshments; living accommodations; advertising; travel; contributions; and other expenses or services. Each individual expenditure of more than twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein, ~~((without))~~ and shall include amounts actually expended on each person where calculable, or allocating any portion of ((such)) the expenditure to individual participants. ~~((However, if the expenditure for a single hosted reception is more than one hundred dollars per person partaking therein, the report shall specify the per person amount, which shall be determined by dividing the total amount of the expenditure by the total number of persons partaking in the reception.))~~

Notwithstanding the foregoing, lobbyists are not required to report the following:

(i) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

(ii) Any expenses incurred for his or her own living accommodations;

(iii) Any expenses incurred for his or her own travel to and from hearings of the legislature;

(iv) Any expenses incurred for telephone, and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure, whether contributed by the lobbyist personally or delivered or transmitted by the lobbyist, 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, unless exempt under RCW 42.17.160(2).

(e) Such other information relevant to lobbying activities as the commission shall by rule prescribe. Information supporting such activities as are required to be reported is subject to audit by the commission.

~~(f) ((A listing of each gift, as defined in RCW 42.17.020, made to a state elected official or executive state officer or to a member of the immediate family of such an official or officer. Such a gift shall be separately identified by the date it was given, the approximate value of the gift, and the name of the recipient. However, for a hosted reception where the average per person amount is reported under (a) of this subsection, the approximate value for the gift of partaking in the event is such average per person amount. The commission shall adopt forms to be used for reporting the giving of gifts under this subsection (2)(f). The forms shall be designed to permit a lobbyist to report on a separate form for each recipient the reportable gifts given to that recipient during the reporting period or, alternatively, to report on one form all reportable gifts given by the lobbyist during the reporting period))~~ A listing of each payment for an item specified in RCW 42.52.150(5) in excess of fifty dollars and each item specified in RCW 42.52.010(9) (d) and (f) made to a state elected official, state officer, or state employee. Each item shall be identified by recipient, date, and approximate value of the item.

(g) The total expenditures made during the reporting period by the lobbyist for lobbying purposes, whether through or on behalf of a lobbyist or otherwise. As used in this subsection, "expenditures" includes amounts paid or incurred during the reporting period for (i) political advertising as defined in RCW 42.17.020; and (ii) public relations, telemarketing, polling, or similar activities if such activities, directly or indirectly, are intended, designed, or calculated to influence legislation or the adoption or rejection of a rule, standard, or rate by an agency under the administrative procedure act. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity.

(3) If a state elected official or a member of such an official's immediate family is identified by a lobbyist in such a report as having received from the lobbyist ~~((a gift, as defined in RCW 42.17.020))~~ an item specified in RCW 42.52.150(5) or 42.52.010(9) (d) or (f), the lobbyist shall transmit to the official a copy of the completed form used to identify the ~~((gift))~~ item in the report at the same time the report is filed with the commission.

(4) The commission may adopt rules to vary the content of lobbyist reports to address specific circumstances, consistent with this section.

NEW SECTION. Sec. 34. The following acts or parts of acts are each repealed:

- (1) RCW 42.17.021 and 1993 c 2 s 30;
- (2) RCW 42.17.630 and 1993 c 2 s 3;
- (3) RCW 42.17.2415 and 1991 sp.s. c 18 s 3; and

(4) RCW 42.52.210 and 1959 c 320 s 5.

**NEW SECTION.** Sec. 35. Sections 1 through 32, 34, and 37 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

**NEW SECTION.** Sec. 36. Section 33 of this act takes effect September 1, 1995.

**NEW SECTION.** Sec. 37. Captions as used in this act constitute no part of the law.

**NEW SECTION.** Sec. 38. 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 April 23, 1995.

Passed the House April 21, 1995.

Approved by the Governor May 16, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 16, 1995.

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

"I am returning herewith, without my approval as to sections 3 and 21, Engrossed Substitute Senate Bill No. 5684 entitled:

"AN ACT Relating to public disclosure;"

Engrossed Substitute Senate Bill No. 5684 makes many important and necessary changes to our public disclosure and campaign practices laws which I strongly support. It incorporates most of the recommendations of the Public Disclosure Commission's (PDC) request legislation. It also enacts many of the campaign practices recommendations of the Commission on Ethics and Campaign Practices that were introduced at my request in Substitute Senate Bill No. 5576. The legislature is to be commended for making significant improvements in this complex and controversial area of law designed to protect the public's right to know.

However, I do not believe section 3 of Engrossed Substitute Senate Bill No. 5684 to be consistent with the underlying principles of openness and full disclosure of political campaign financing. Section 3 would prevent the PDC from requiring the reporting of additional information about contributors, other than their names, addresses, and the amount and date of their contribution. The apparent purpose of this provision is to protect the privacy of contributors.

The PDC currently has clear and specific statutory authority to require additional contributor information in conformance with the policies and purposes of this law. Consistent with this authority, the PDC, by rule, has required the reporting of the occupation and the name and address of the employer for larger contributors — those who contribute \$100 or more. This additional reporting requirement is designed to disclose possible patterns of coordinated contributions to candidates and to ballot measures by large organizations or businesses who may attempt to circumvent contribution limits.

Employer and occupational information is critical to identifying and disclosing these patterns and to detecting violations of the "anti-laundering" laws of our state. Section 3 would close a major avenue for disclosure of vital information about who influences elections. I believe that the public's right to information about elections and who influences those elections outweighs the purported need to protect the privacy of individual contributors.

Section 21 of Engrossed Substitute Senate Bill No. 5684 modifies RCW 42.17.680 which is designed to protect the rights of employees from political pressure on the job. Current law specifically prohibits employers or labor organizations from discriminating against workers for failure to contribute to or support or oppose a candidate, ballot proposition, political party, or political committee. This protects employees from being forced to promote an employer's political agenda. Additional current language, that would be removed by section 21, prohibits discrimination for "in any way supporting or opposing" a candidate, ballot proposition, political party, or political committee. This language provides protections for workers to act on their own political beliefs.

This specific provision is the subject of ongoing litigation regarding whether or not employers may be prevented from mandating the political neutrality of their employees in cases where the nature of their jobs require it. Moreover, section 21 did not receive full and open debate in the legislature before the bill was passed. I am, therefore, reluctant to approve any changes in this very sensitive and controversial law until its implications have been more thoroughly and more openly explored in legislative and judicial forums.

For these reasons, I am vetoing sections 3 and 21 of Engrossed Substitute Senate Bill No. 5684.

With the exception of sections 3 and 21, Engrossed Substitute Senate Bill No. 5684 is approved."

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## CHAPTER 398

[Substitute Senate Bill 5977]

### FORENSIC INVESTIGATIONS COUNCIL—REVISED MEMBERSHIP AND DUTIES

AN ACT Relating to forensic investigations; amending RCW 43.43.670, 43.103.010, 43.103.020, 43.103.030, 43.103.040, 43.103.050, 43.103.070, 43.103.090, 43.79.445, 68.50.107, 82.14.310, 82.14.320, 82.14.330, 46.61.5054, and 66.08.180, reenacting and amending RCW 82.44.110; repealing 1994 c 275 s 44 (uncodified); and declaring an emergency.

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

**Sec. 1.** RCW 43.43.670 and 1980 c 69 s 2 are each amended to read as follows:

There is created in the Washington state patrol a crime laboratory system which is authorized to:

(1) Provide laboratory services for the purpose of analyzing and scientifically handling any physical evidence relating to any crime.

(2) Provide training assistance for local law enforcement personnel.

The crime laboratory system shall assign priority to a request for services with due regard to whether the case involves criminal activity against persons. The Washington state (~~(advisory)~~) forensic investigations council (~~(on criminal justice services)~~) shall assist the crime laboratory system in devising policies to promote the most efficient use of laboratory resources consistent with this section. The forensic investigations council shall be actively involved in the preparation of the crime laboratory budget and shall approve the crime laboratory budget prior to its formal submission by the state patrol to the office of financial management pursuant to RCW 43.88.030.

**Sec. 2.** RCW 43.103.010 and 1983 1st ex.s. c 16 s 1 are each amended to read as follows:

The purposes of this act are declared by the legislature to be as follows:



(1) To preserve and enhance the state crime laboratory, which is an essential part of the criminal justice system in the state of Washington;

(2) To fund the death investigation system and to make related state and local institutions more efficient;

~~((2))~~ (3) To preserve and enhance the state toxicology laboratory which is an essential part of the criminal justice and death investigation systems in the state of Washington;

~~((3))~~ (4) To provide resources necessary for the performance, by qualified pathologists, of autopsies which are also essential to the criminal justice and death investigation systems of this state and its counties;

~~((4))~~ (5) To improve the performance of death investigations and the criminal justice system through the formal training of county coroners and county medical examiners;

~~((5))~~ (6) To establish and maintain a dental identification system; and

~~((6))~~ (7) To provide flexibility so that any county may establish a county morgue when it serves the public interest.

**Sec. 3.** RCW 43.103.020 and 1983 1st ex.s. c 16 s 2 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Council" means the Washington state ~~((death))~~ forensic investigations council.

(2) "Crime laboratory" means the Washington state patrol crime laboratory system created in RCW 43.43.670.

(3) "Toxicology laboratory" means the Washington state toxicology laboratory.

**Sec. 4.** RCW 43.103.030 and 1991 c 176 s 2 are each amended to read as follows:

There is created the Washington state ~~((death))~~ forensic investigations council. The council shall oversee the state toxicology laboratory and, together with the president of the University of Washington or the president's designee, control the laboratory's operation. The council may also study and recommend cost-efficient improvements to the death investigation system in Washington and report its findings to the legislature.

Further, the council shall, jointly with the chairperson of the pathology department of the University of Washington's School of Medicine, or the chairperson's designee, oversee the state forensic pathology fellowship program, determine the budget for the program and set the fellow's annual salary, and take those steps necessary to administer the program.

The forensic investigations council shall be actively involved in the preparation of the crime laboratory and toxicology laboratory budgets and shall approve the crime laboratory and toxicology laboratory budgets prior to their

formal submission to the office of financial management pursuant to RCW 43.88.030.

**Sec. 5.** RCW 43.103.040 and 1983 1st ex.s. c 16 s 4 are each amended to read as follows:

The council shall consist of ~~((nine))~~ twelve members who shall be selected as follows: One county coroner; one county prosecutor; one county prosecutor who also serves as ex officio county coroner; one county medical examiner; one county sheriff; one chief of police; ~~((one representative))~~ the chief of the state patrol; ~~((one))~~ two members of a county legislative authority; ~~((and))~~ one pathologist who is currently in private practice; and two members of a city legislative authority.

~~((All members shall be appointed to the council by the governor.))~~ The governor shall appoint members to the council from among the nominees submitted for each position as follows: The Washington association of county officials shall submit two nominees each for the coroner position and the medical examiner position; the Washington state association of counties shall submit two nominees each for the two county legislative authority positions; the association of Washington cities shall submit two nominees each for the two city legislative authority positions; the Washington association of prosecuting attorneys shall submit two nominees each for the county prosecutor-ex officio county coroner and for the county prosecutor position; the Washington association of sheriffs and police chiefs shall submit two nominees each for the county sheriff position and the chief of police position; and the Washington association of pathologists shall submit two nominees for the private pathologist position.

**Sec. 6.** RCW 43.103.050 and 1983 1st ex.s. c 16 s 5 are each amended to read as follows:

All members of the council are appointed for terms of four years, commencing on July 1 and expiring on June 30. However, of the members appointed to the ~~((initial))~~ council, five shall be appointed for two-year terms and ~~((four))~~ six shall be appointed for four-year terms. A person chosen to fill a vacancy created other than by the natural expiration of a member's term shall be nominated and appointed as provided in RCW 43.103.040 for the unexpired term of the member he or she is to succeed. Any member may be reappointed for additional terms.

**Sec. 7.** RCW 43.103.070 and 1983 1st ex.s. c 16 s 7 are each amended to read as follows:

The council shall elect a ~~((chairman))~~ chair and a vice ~~((chairman))~~ chair from among its members. ~~((Five))~~ The chair shall not vote except in case of a tie vote. Seven members of the council shall constitute a quorum. The governor shall summon the council to its first meeting. Otherwise, meetings may be called by the ~~((chairman))~~ chair and shall be called by him or her upon the written request of five members of the council. Conference calls by telephone are a proper form of meeting.

**Sec. 8.** RCW 43.103.090 and 1983 1st ex.s. c 16 s 9 are each amended to read as follows:

The council ~~((has the following powers))~~ may:

(1) ~~((To))~~ Meet at such times and places as may be designated by a majority vote of the council members or, if a majority cannot agree, by the ~~((chairman))~~ chair;

(2) ~~((To))~~ Adopt rules governing the council and the conduct of its meetings;

(3) ~~((To))~~ Require reports from the state toxicologist on matters pertaining to the toxicology laboratory;

(4) ~~((To review and, if necessary, require changes in the budget request of the toxicology laboratory))~~ Require reports from the chief of the Washington state patrol on matters pertaining to the crime laboratory;

(5) Be actively involved in the preparation of the crime laboratory and toxicology laboratory budgets and shall approve the crime laboratory and toxicology laboratory budgets prior to their formal submission to the office of financial management pursuant to RCW 43.88.030; ~~((and~~

~~((5) To))~~ (6) Do anything, necessary or convenient, which enables the council to perform its duties and to exercise its powers;

(7) Appoint a toxicologist as state toxicologist to serve at the pleasure of the council; and

(8) Set the salary for the state toxicologist.

**Sec. 9.** RCW 43.79.445 and 1991 sp.s. c 13 s 21 are each amended to read as follows:

There is established an account in the state treasury referred to as the "death investigations' account" which shall exist for the purpose of receiving, holding, investing, and disbursing funds appropriated or provided in RCW 70.58.107 and any moneys appropriated or otherwise provided thereafter.

Moneys in the death investigations' account shall be disbursed by the state treasurer once every year on December 31 and at any other time determined by the treasurer. The treasurer shall make disbursements to: The state toxicology laboratory, counties for the cost of autopsies, the University of Washington to fund the state forensic pathology fellowship program, the state patrol for providing partial funding for the state dental identification system, the criminal justice training commission for training county coroners, medical examiners and their staff, and the state ~~((death))~~ forensic investigations council.

The University of Washington and the Washington state ~~((death))~~ forensic investigations council shall jointly determine the yearly amount for the state forensic pathology fellowship program established by RCW 28B.20.426.

**Sec. 10.** RCW 68.50.107 and 1986 c 87 s 2 are each amended to read as follows:

There shall be established ~~((at))~~ in conjunction with the University of Washington Medical School and under the authority of the state forensic investigations council a state toxicological laboratory under the direction of the

state toxicologist whose duty it will be to perform all necessary toxicologic procedures requested by all coroners, medical examiners, and prosecuting attorneys. ~~((Annually the president of the University of Washington, with the consent of))~~ The state ~~((death))~~ forensic investigations council~~((r))~~ shall appoint a ~~((competent))~~ toxicologist as state toxicologist ~~((who shall serve a one year term. The state toxicologist may be reappointed to as many additional one year terms as the president of the university and the death investigations council deem proper. The facilities of the police school of the Washington State University and the services of its professional staff shall be made available to coroners, medical examiners, and prosecuting attorneys in their investigations under this chapter. This))~~. The laboratory shall be funded by disbursement from the class H license fees as provided in RCW 66.08.180 and by appropriation from the death investigations account as provided in RCW 43.79.445.

**Sec. 11.** RCW 82.14.310 and 1993 sp.s. c 21 s 1 are each amended to read as follows:

(1) The county criminal justice assistance account is created in the state treasury.

(2) The moneys deposited in the county criminal justice assistance account for distribution under this section, less any moneys appropriated for purposes under RCW 82.44.110, shall be distributed at such times as distributions are made under RCW 82.44.150 and on the relative basis of each county's funding factor as determined under this subsection.

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

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

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

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

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

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

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

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

(iv) Distributions and eligibility for distributions in the 1989-91 biennium shall be based on 1988 figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection. Future distributions shall be based on the most recent figures for both the crime rate as described under (ii) of this

subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection.

(3) Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

**Sec. 12.** RCW 82.14.320 and 1993 sp.s. c 21 s 2 are each amended to read as follows:

(1) The municipal criminal justice assistance account is created in the state treasury.

(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(3) at the maximum rate; and

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

(3) The moneys deposited in the municipal criminal justice assistance account for distribution under this section, less any moneys appropriated for purposes under RCW 82.44.110, shall be distributed at such times as distributions are made under RCW 82.44.150. The distributions shall be made as follows:

(a) Unless reduced by this subsection, 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 one hundred seventy-five percent of the state-wide average crime rate. No city may receive more than fifty percent of any moneys distributed under this subsection (a) but, if a city distribution is reduced as a result of

exceeding the fifty percent limitation, the amount not distributed shall be distributed under (b) of this subsection.

(b) The remainder of the moneys, including any moneys not distributed in subsection (2)(a) of this section, 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) Notwithstanding other provisions of this section, the distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located.

(6) Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

**Sec. 13.** RCW 82.14.330 and 1994 c 273 s 22 are each amended to read as follows:

(1) The moneys deposited in the municipal criminal justice assistance account for distribution under this section, less any moneys appropriated for purposes under RCW 82.44.110, shall be distributed to the cities of the state as follows:

(a) Twenty percent appropriated for distribution shall be distributed to cities with a three-year average violent crime rate for each one thousand in population in excess of one hundred fifty percent of the state-wide three-year average violent crime rate for each one thousand in population. The three-year average violent crime rate shall be calculated using the violent crime rates for each of the preceding three years from the annual reports on crime in Washington state as published by the Washington association of sheriffs and police chiefs. Moneys shall be distributed under this subsection (1)(a) ratably based on population as last determined by the office of financial management, but no city may receive more than one dollar per capita. Moneys remaining undistributed under this subsection at the end of each calendar year shall be distributed to the criminal justice training commission to reimburse participating city law enforcement

agencies with ten or fewer full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training, as provided in RCW 43.101.200.

(b) Sixteen percent shall be distributed to cities ratably based on population as last determined by the office of financial management, but no city may receive less than one thousand dollars.

The moneys deposited in the municipal criminal justice assistance account for distribution under this subsection shall be distributed at such times as distributions are made under RCW 82.44.150.

Moneys distributed under this subsection shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(2) In addition to the distributions under subsection (1) of this section:

(a) Fourteen percent shall be distributed to cities that have initiated innovative law enforcement strategies, including alternative sentencing and crime prevention programs. No city may receive more than one dollar per capita under this subsection (2)(a).

(b) Twenty percent shall be distributed to cities that have initiated programs to help at-risk children or child abuse victim response programs. No city may receive more than fifty cents per capita under this subsection (2)(b).

(c) Twenty percent shall be distributed to cities that have initiated programs designed to reduce the level of domestic violence within their jurisdictions or to provide counseling for domestic violence victims. No city may receive more than fifty cents per capita under this subsection (2)(c).

(d) Ten percent shall be distributed to cities that contract with another governmental agency for a majority of the city's law enforcement services.

Moneys distributed under this subsection shall be distributed to those cities that submit funding requests under this subsection to the department of community, trade, and economic development based on criteria developed under RCW 82.14.335. Allocation of funds shall be in proportion to the population of qualified jurisdictions, but the distribution to a city shall not exceed the amount of funds requested. Cities shall submit requests for program funding to the department of community, trade, and economic development by November 1 of each year for funding the following year. The department shall certify to the

state treasurer the cities eligible for funding under this subsection and the amount of each allocation.

The moneys deposited in the municipal criminal justice assistance account for distribution under this subsection, less any moneys appropriated for purposes under RCW 82.44.110, shall be distributed at the times as distributions are made under RCW 82.44.150. Moneys remaining undistributed under this subsection at the end of each calendar year shall be distributed to the criminal justice training commission to reimburse participating city law enforcement agencies with ten or fewer full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training, as provided in RCW 43.101.200.

If a city is found by the state auditor to have expended funds received under this subsection in a manner that does not comply with the criteria under which the moneys were received, the city shall be ineligible to receive future distributions under this subsection until the use of the moneys are justified to the satisfaction of the director or are repaid to the state general fund. The director may allow noncomplying use of moneys received under this subsection upon a showing of hardship or other emergent need.

(3) Notwithstanding other provisions of this section, the distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located.

**Sec. 14.** RCW 82.44.110 and 1993 sp.s. c 21 s 7 and 1993 c 492 s 253 are each reenacted and 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.

(1) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(1) as follows:

(a) 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.

(b) 8.15 percent into the Puget Sound capital construction account in the motor vehicle fund.

(c) 4.07 percent into the Puget Sound ferry operations account in the motor vehicle fund.

(d) 5.88 percent into the general fund to be distributed under RCW 82.44.155.

(e) 4.75 percent into the municipal sales and use tax equalization account in the general fund created in RCW 82.14.210.

(f) 1.60 percent into the county sales and use tax equalization account in the general fund created in RCW 82.14.200.



(g) 62.6440 percent into the general fund through June 30, 1995, and 57.6440 percent into the general fund beginning July 1, 1995.

(h) 5 percent into the transportation fund created in RCW 82.44.180 beginning July 1, 1995.

(i) 5.9686 percent into the county criminal justice assistance account created in RCW 82.14.310.

(j) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.320.

(k) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.330.

(l) 2.95 percent into the general fund to be distributed by the state treasurer to county health departments to be used exclusively for public health. The state treasurer shall distribute these funds proportionately among the counties based on population as determined by the most recent United States census.

Notwithstanding (i) through (k) of this subsection, no more than sixty million dollars shall be deposited into the accounts specified in (i) through (k) of this subsection for the period January 1, 1994, through June 30, 1995. Not more than five percent of the funds deposited to these accounts shall be available for appropriations for enhancements to the state patrol crime laboratory system and the continuing costs related to these enhancements. Motor vehicle excise tax funds appropriated for such enhancements shall not supplant existing funds from the state general fund. For the fiscal year ending June 30, 1998, and for each fiscal year thereafter, the amounts deposited into the accounts specified in (i) through (k) of this subsection shall not increase by more than the amounts deposited into those accounts in the previous fiscal year increased by the implicit price deflator for the previous fiscal year. Any revenues in excess of this amount shall be deposited into the general fund.

(2) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(2) into the transportation fund.

(3) The state treasurer shall deposit the excise tax imposed by RCW 82.44.020(3) into the air pollution control account created by RCW 70.94.015.

**Sec. 15.** RCW 46.61.5054 and 1994 c 275 s 7 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 46.61.5051 through 46.61.5053, a one hundred twenty-five dollar fee shall be assessed to a person who is either convicted, sentenced to a lesser charge, or given deferred prosecution, as a result of an arrest for violating RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the purpose of funding the Washington state toxicology laboratory and the Washington state patrol (~~breath test program~~) for grants and activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs.

(b) Upon a verified petition by the person assessed the fee, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay.

(c) When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, the court shall assess the one hundred twenty-five dollar fee under (a) of this subsection. Upon a verified petition by a minor assessed the fee, the court may suspend payment of all or part of the fee if it finds that the minor does not have the ability to pay the fee.

(2) The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and distributed as follows:

(a) Forty percent shall be subject to distribution under RCW 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

(b) ~~((If the case involves a blood test by the state toxicology laboratory,))~~ The remainder of the fee shall be forwarded to the state treasurer ((for)) who shall, through June 30, 1997, deposit: Fifty percent in the death investigations' account to be used solely for funding the state toxicology laboratory blood or breath testing programs((:

~~(e) Otherwise, the remainder of the fee shall be forwarded to the state treasurer for deposit)); and fifty percent in the state patrol highway account to be used solely for funding ((the Washington state patrol breath test program)) activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs. Effective July 1, 1997, the remainder of the fee shall be forwarded to the state treasurer who shall deposit: Fifteen percent in the death investigations' account to be used solely for funding the state toxicology laboratory blood or breath testing programs; and eighty-five percent in the state patrol highway account to be used solely for funding activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs.~~

Sec. 16. RCW 66.08.180 and 1987 c 458 s 10 are each amended to read as follows:

Moneys in the liquor revolving fund shall be distributed by the board at least once every three months in accordance with RCW 66.08.190, 66.08.200 and 66.08.210: PROVIDED, That the board shall reserve from distribution such amount not exceeding five hundred thousand dollars as may be necessary for the proper administration of this title(~~AND PROVIDED FURTHER, That~~).

(1) All license fees, penalties and forfeitures derived under this act from class H licenses or class H licensees shall every three months be disbursed by the board as follows:

~~((1) 5.95 percent to the University of Washington and 3.97 percent to Washington State University for alcoholism and drug abuse research and for the dissemination of such research;~~

~~(2) 1.75 percent, but in no event less than one))~~ (a) Three hundred ((fifty)) thousand dollars per biennium, to the University of Washington for the forensic investigations council to conduct the state toxicological laboratory pursuant to RCW ((68.08.107)) 68.50.107; and

~~((3) 88.33))~~ (b) Of the remaining funds:

(i) 6.06 percent to the University of Washington and 4.04 percent to Washington State University for alcoholism and drug abuse research and for the dissemination of such research; and

(ii) 89.9 percent to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW ((70.96.085, as now or hereafter amended)) 70.96A.050;

~~((4))~~ (2) The first fifty-five dollars per license fee provided in RCW 66.24.320 and 66.24.330 up to a maximum of one hundred fifty thousand dollars annually shall be disbursed every three months by the board to the general fund to be used for juvenile alcohol and drug prevention programs for kindergarten through third grade to be administered by the superintendent of public instruction;

~~((5))~~ (3) Twenty percent of the remaining total amount derived from license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.360, and 66.24.370, shall be transferred to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW ((70.96.085)) 70.96A.050; and

~~((6))~~ (4) One-fourth cent per liter of the tax imposed by RCW 66.24.210 shall every three months be disbursed by the board to Washington State University solely for wine and wine grape research, extension programs related to wine and wine grape research, and resident instruction in both wine grape production and the processing aspects of the wine industry in accordance with RCW 28B.30.068. The director of financial management shall prescribe suitable accounting procedures to ensure that the funds transferred to the general fund to be used by the department of social and health services and appropriated are separately accounted for.

NEW SECTION. Sec. 17. 1994 c 275 s 44 (uncodified) is repealed.

NEW SECTION. Sec. 18. Section 17 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 19, 1995.

Passed the House April 11, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.

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## CHAPTER 399

[Engrossed House Bill 1014]

DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT—  
OBSOLETE REFERENCES UPDATED

AN ACT Relating to obsolete references; amending RCW 4.24.400, 9.40.100, 18.20.130, 18.46.110, 18.51.140, 18.51.145, 18.85.310, 19.27.070, 19.27.097, 19.27.150, 19.27A.110, 24.46.010, 27.34.020, 27.34.210, 27.34.310, 27.53.030, 27.53.130, 27.53.140, 27.60.040, 28A.160.090, 28A.300.160, 28A.305.130, 28A.335.310, 28A.610.030, 28B.20.283, 28B.20.289, 28B.20.293, 28B.65.060, 28C.04.440, 28C.04.460, 35.02.260, 35.13.171, 35.21.300, 35.21.687, 35.21.755, 35.21.779, 36.01.120, 36.27.100, 36.70A.040, 36.70A.385, 36.93.080, 36.110.030, 38.52.005, 38.52.090, 38.54.010, 38.54.020, 38.54.030, 38.54.050, 39.19.040, 39.44.210, 39.44.230, 39.84.090, 39.86.110, 40.10.020, 41.06.072, 43.06.115, 43.08.260, 43.19.1920, 43.19.19201, 43.20A.037, 43.21A.510, 43.21A.515, 43.21A.612, 43.22.495, 43.23.035, 43.31.093, 43.31.960, 43.43.710, 43.63A.465, 43.70.330, 43.70.540, 43.79.201, 43.83.184, 43.132.020, 43.132.030, 43.133.030, 43.133.050, 43.143.040, 43.150.040, 43.155.020, 43.160.030, 43.160.115, 43.160.180, 43.163.020, 43.163.060, 43.165.010, 43.168.031, 43.170.020, 43.170.030, 43.170.070, 43.172.011, 43.172.020, 43.180.040, 43.180.200, 43.185.015, 43.185.020, 43.185A.010, 43.185A.020, 43.185B.010, 43.190.030, 43.210.030, 43.210.050, 43.210.060, 43.210.070, 43.210.100, 43.210.120, 43.220.070, 43.280.020, 43.280.060, 43.280.070, 43.310.020, 46.12.295, 46.16.340, 46.37.467, 47.06.110, 47.12.064, 47.39.040, 47.39.090, 47.50.090, 47.76.230, 48.05.320, 48.48.030, 48.48.040, 48.48.050, 48.48.060, 48.48.065, 48.48.070, 48.48.080, 48.48.090, 48.48.110, 48.48.140, 48.48.150, 48.50.020, 48.50.040, 48.53.020, 48.53.060, 50.38.030, 53.36.030, 54.16.285, 54.52.010, 54.52.020, 56.40.010, 56.40.020, 57.46.010, 57.46.020, 59.18.440, 59.21.010, 59.21.050, 59.22.010, 59.22.020, 59.22.070, 59.24.020, 59.24.050, 59.24.060, 59.28.040, 59.28.050, 59.28.060, 59.28.110, 66.08.190, 66.08.195, 67.16.100, 67.38.070, 68.60.030, 70.41.080, 70.75.020, 70.75.030, 70.75.040, 70.77.170, 70.77.250, 70.77.305, 70.77.315, 70.77.330, 70.77.360, 70.77.365, 70.77.375, 70.77.415, 70.77.430, 70.77.455, 70.77.460, 70.77.465, 70.77.575, 70.77.580, 70.94.537, 70.95.260, 70.95.265, 70.95.810, 70.95H.007, 70.95H.020, 70.95H.050, 70.108.040, 70.128.180, 70.136.030, 70.160.060, 70.164.020, 70.190.010, 71.12.485, 72.09.055, 72.65.210, 74.13.090, 74.15.050, 74.15.080, 76.09.030, 77.12.710, 79.08.1078, 79.90.565, 81.80.450, 82.14.335, 82.23B.020, 82.61.070, 88.12.275, 88.46.100, and 90.56.280; reenacting and amending RCW 28B.30.537, 28B.65.040, 28B.65.050, 38.52.010, 42.17.2401, and 80.28.010; decodifying RCW 41.06.089; and providing a contingent expiration date.

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

*\*Sec. 1. RCW 4.24.400 and 1986 c 266 s 79 are each amended to read as follows:*

*No building warden, who acts in good faith, with or without compensation, shall be personally liable for civil damages arising from his or her negligent acts or omissions during the course of assigned duties in assisting others to evacuate industrial, commercial, governmental or multi-unit residential buildings or in attempting to control or alleviate a hazard to the building or its occupants caused by fire, earthquake or other threat to life or limb. The term "building warden" means an individual who is assigned to take charge of the occupants on a floor or in an area of a building during an emergency in accordance with a predetermined fire safety or evacuation plan; and/or an individual selected by a municipal fire chief or the director of community, trade, and economic development, through the director of fire protection, after an emergency is in progress to assist in evacuating the occupants of such a building or providing for their safety. This section shall not apply to any acts or omissions constituting gross negligence or willful or wanton misconduct.*

*\*Sec. 1 was vetoed. See message at end of chapter.*

*\*Sec. 2. RCW 9.40.100 and 1990 c 177 s 1 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, trade, and economic 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.*

*\*Sec. 2 was vetoed. See message at end of chapter.*

*\*Sec. 3. RCW 18.20.130 and 1986 c 266 s 81 are each amended to read as follows:*

*Standards for fire protection and the enforcement thereof, with respect to all boarding homes to be licensed hereunder, shall be the responsibility of the director of community, trade, and economic development, through the director of fire protection, who shall adopt such recognized standards as may be applicable to boarding homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the director of community, trade, and economic development, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the director of community, trade, and economic development, through the director of fire protection, or his or her deputy, shall make an inspection of the boarding home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the director of community, trade, and economic development, through the director of fire protection, he or she shall promptly make a written report to the boarding home and the department or authorized department as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, authorized department, applicant or licensee shall notify the director of community, trade, and economic development, through the director of fire protection, upon completion of any requirements made by him or her, and the director of community, trade, and economic development, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the boarding home to be licensed meets with the approval of the*

*director of community, trade, and economic development, through the director of fire protection, he or she shall submit to the department or authorized department, a written report approving same with respect to fire protection before a full license can be issued. The director of community, trade, and economic development, through the director of fire protection, shall make or cause to be made inspections of such homes at least annually.*

*In cities which have in force a comprehensive building code, the provisions of which are determined by the director of community, trade, and economic development, through the director of fire protection, to be equal to the minimum standards of the code for boarding homes adopted by the director of community, trade, and economic development, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the director of community, trade, and economic development, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued.*

*\*Sec. 3 was vetoed. See message at end of chapter.*

*\*Sec. 4. RCW 18.46.110 and 1986 c 266 s 82 are each amended to read as follows:*

*Fire protection with respect to all maternity homes to be licensed hereunder, shall be the responsibility of the director of community, trade, and economic development, through the director of fire protection, who shall adopt by reference, such recognized standards as may be applicable to nursing homes, places of refuge, and maternity homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the director of community, trade, and economic development, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the director of community, trade, and economic development, through the director of fire protection, or his or her deputy, shall make an inspection of the maternity home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the director of community, trade, and economic development, through the director of fire protection, he or she shall promptly make a written report to the department as to the manner in which the premises may qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, applicant or licensee shall notify the director of community, trade, and economic development, through the director of fire protection, upon completion of any requirements made by him or her, and the director of community, trade, and economic development, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the maternity home to be licensed meets with the approval of the director of community, trade, and economic development, through the*

*director of fire protection, he or she shall submit to the department, a written report approving same with respect to fire protection before a license can be issued. The director of community, trade, and economic development, through the director of fire protection, shall make or cause to be made such inspection of such maternity homes as he or she deems necessary.*

*In cities which have in force a comprehensive building code, the regulation of which is equal to the minimum standards of the code for maternity homes adopted by the director of community, trade, and economic development, through the director of fire protection, the building inspector and the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection and shall approve the premises before a license can be issued.*

*In cities where such building codes are in force, the director of community, trade, and economic development, through the director of fire protection, may, upon request by the chief fire official, or the local governing body, or of a taxpayer of such city, assist in the enforcement of any such code pertaining to maternity homes.*

*\*Sec. 4 was vetoed. See message at end of chapter.*

*\*Sec. 5. RCW 18.51.140 and 1986 c 266 s 83 are each amended to read as follows:*

*Standards for fire protection and the enforcement thereof, with respect to all nursing homes to be licensed hereunder, shall be the responsibility of the director of community, trade, and economic development, through the director of fire protection, who shall adopt such recognized standards as may be applicable to nursing homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the director of community, trade, and economic development, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the director of community, trade, and economic development, through the director of fire protection, or his or her deputy, shall make an inspection of the nursing home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the director of community, trade, and economic development, through the director of fire protection, he or she shall promptly make a written report to the nursing home and the department as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, applicant or licensee shall notify the director of community, trade, and economic development, through the director of fire protection, upon completion of any requirements made by him or her, and the director of community, trade, and economic development, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the nursing home to be licensed meets with the*

*approval of the director of community, trade, and economic development, through the director of fire protection, he or she shall submit to the department, a written report approving same with respect to fire protection before a full license can be issued. The director of community, trade, and economic development, through the director of fire protection, shall make or cause to be made inspections of such nursing homes at least annually.*

*In cities which have in force a comprehensive building code, the provisions of which are determined by the director of community, trade, and economic development, through the director of fire protection, to be equal to the minimum standards of the code for nursing homes adopted by the director of community, trade, and economic development, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the director of community, trade, and economic development, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued.*

\*Sec. 5 was vetoed. See message at end of chapter.

*\*Sec. 6. RCW 18.51.145 and 1986 c 266 s 84 are each amended to read as follows:*

*Inspections of nursing homes by local authorities shall be consistent with the requirements of chapter 19.27 RCW, the state building code. Findings of a serious nature shall be coordinated with the department and the director of community, trade, and economic development, through the director of fire protection, for determination of appropriate actions to ensure a safe environment for nursing home residents. The director of community, trade, and economic development, through the director of fire protection, shall have exclusive authority to determine appropriate corrective action under this section.*

\*Sec. 6 was vetoed. See message at end of chapter.

*Sec. 7. RCW 18.85.310 and 1993 c 50 s 2 are each amended to read as follows:*

(1) Every licensed real estate broker shall keep adequate records of all real estate transactions handled by or through (~~(him)~~) the broker. The records shall include, but are not limited to, a copy of the earnest money receipt, and an itemization of the broker's receipts and disbursements with each transaction. These records and all other records hereinafter specified shall be open to inspection by the director or (~~(his)~~) the director's authorized representatives.

(2) Every real estate broker shall also deliver or cause to be delivered to all parties signing the same, at the time of signing, conformed copies of all earnest money receipts, listing agreements and all other like or similar instruments signed by the parties, including the closing statement.

(3) Every real estate broker shall also keep separate real estate fund accounts in a recognized Washington state depository authorized to receive funds in which shall be kept separate and apart and physically segregated from licensee broker's



own funds, all funds or moneys of clients which are being held by such licensee broker pending the closing of a real estate sale or transaction, or which have been collected for said client and are being held for disbursement for or to said client and such funds shall be deposited not later than the first banking day following receipt thereof.

(4) Separate accounts comprised of clients' funds required to be maintained under this section, with the exception of property management trust accounts, shall be interest-bearing accounts from which withdrawals or transfers can be made without delay, subject only to the notice period which the depository institution is required to reserve by law or regulation.

(5) Every real estate broker shall maintain a pooled interest-bearing escrow account for deposit of client funds, with the exception of property management trust accounts, which are nominal. As used in this section, a "nominal" deposit is a deposit of not more than five thousand dollars.

The interest accruing on this account, net of any reasonable and appropriate financial institution service charges or fees, shall be paid to the state treasurer for deposit in the Washington housing trust fund created in RCW 43.185.030 and the real estate education account created in RCW 18.85.317. Appropriate service charges or fees are those charges made by financial institutions on other demand deposit or "now" accounts. An agent may, but shall not be required to, notify the client of the intended use of such funds.

(6) All client funds not required to be deposited in the account specified in subsection (5) of this section shall be deposited in:

(a) A separate interest-bearing trust account for the particular client or client's matter on which the interest will be paid to the client; or

(b) The pooled interest-bearing trust account specified in subsection (5) of this section if the parties to the transaction agree.

The department of licensing shall promulgate regulations which will serve as guidelines in the choice of an account specified in subsection (5) of this section or an account specified in this subsection.

(7) For an account created under subsection (5) of this section, an agent shall direct the depository institution to:

(a) Remit interest or dividends, net of any reasonable and appropriate service charges or fees, on the average monthly balance in the account, or as otherwise computed in accordance with an institution's standard accounting practice, at least quarterly, to the state treasurer for deposit in the housing trust fund created by RCW 43.185.030 and the real estate education account created in RCW 18.85.317; and

(b) Transmit to the director of community, trade, and economic development a statement showing the name of the person or entity for whom the remittance is spent, the rate of interest applied, and the amount of service charges deducted, if any, and the account balance(s) of the period in which the report is made, with a copy of such statement to be transmitted to the depositing person or firm.

(8) The director shall forward a copy of the reports required by subsection (7) of this section to the department of licensing to aid in the enforcement of the requirements of this section consistent with the normal enforcement and auditing practices of the department of licensing.

(9) This section does not relieve any real estate broker from any obligation with respect to the safekeeping of clients' funds.

(10) Any violation by a real estate broker of any of the provisions of this section, or RCW 18.85.230, shall be grounds for revocation of the licenses issued to the broker.

**Sec. 8.** RCW 19.27.070 and 1989 c 246 s 2 are each amended to read as follows:

There is hereby established a state building code council to be appointed by the governor.

(1) The state building code council shall consist of fifteen members, two of whom shall be county elected legislative body members or elected executives and two of whom shall be city elected legislative body members or mayors. One of the members shall be a local government building code enforcement official and one of the members shall be a local government fire service official. Of the remaining nine members, one member shall represent general construction, specializing in commercial and industrial building construction; one member shall represent general construction, specializing in residential and multifamily building construction; one member shall represent the architectural design profession; one member shall represent the structural engineering profession; one member shall represent the mechanical engineering profession; one member shall represent the construction building trades; one member shall represent manufacturers, installers, or suppliers of building materials and components; one member shall be a person with a physical disability and shall represent the disability community; and one member shall represent the general public. At least six of these fifteen members shall reside east of the crest of the Cascade mountains. The council shall include: Two members of the house of representatives appointed by the speaker of the house, one from each caucus; two members of the senate appointed by the president of the senate, one from each caucus; and an employee of the electrical division of the department of labor and industries, as ex officio, nonvoting members with all other privileges and rights of membership. Terms of office shall be for three years. The council shall elect a member to serve as chair of the council for one-year terms of office. Any member who is appointed by virtue of being an elected official or holding public employment shall be removed from the council if he or she ceases being such an elected official or holding such public employment. Before making any appointments to the building code council, the governor shall seek nominations from recognized organizations which represent the entities or interests listed in this subsection. Members serving on the council on July 28, 1985, may complete their terms of office. Any vacancy shall be filled by alternating

appointments from governmental and nongovernmental entities or interests until the council is constituted as required by this subsection.

(2) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The department of community, trade, and economic development shall provide administrative and clerical assistance to the building code council.

**Sec. 9.** RCW 19.27.097 and 1991 sp.s. c 32 s 28 are each amended to read as follows:

(1) Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the department of ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. In addition to other authorities, the county or city may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency. An application for a water right shall not be sufficient proof of an adequate water supply.

(2) Within counties not required or not choosing to plan pursuant to RCW 36.70A.040, the county and the state may mutually determine those areas in the county in which the requirements of subsection (1) of this section shall not apply. The departments of health and ecology shall coordinate on the implementation of this section. Should the county and the state fail to mutually determine those areas to be designated pursuant to this subsection, the county may petition the department of community, trade, and economic development to mediate or, if necessary, make the determination.

(3) Buildings that do not need potable water facilities are exempt from the provisions of this section. The department of ecology, after consultation with local governments, may adopt rules to implement this section, which may recognize differences between high-growth and low-growth counties.

**Sec. 10.** RCW 19.27.150 and 1989 c 246 s 6 are each amended to read as follows:

Every month a copy of the United States department of commerce, bureau of the census' "report of building or zoning permits issued and local public construction" or equivalent report shall be transmitted by the governing bodies of counties and cities to the department of community, trade, and economic development.

**\*Sec. 11.** *RCW 19.27A.110 and 1986 c 266 s 85 are each amended to read as follows:*

*The director of community, trade, and economic development, through the director of fire protection, is the only authority having jurisdiction over the approval of portable oil-fueled heaters. The sale and use of portable oil-fueled*

*heaters is governed exclusively by RCW 19.27A.080 through 19.27A.120: PROVIDED, That cities and counties may adopt local standards as provided in RCW 19.27.040.*

\*Sec. 11 was vetoed. See message at end of chapter.

**Sec. 12.** RCW 24.46.010 and 1985 c 466 s 39 are each amended to read as follows:

It is the finding of the legislature that foreign trade zones serve an important public purpose by the creation of employment opportunities within the state and that the establishment of zones designed to accomplish this purpose is to be encouraged. It is the further intent of the legislature that the department of community, trade, and economic development provide assistance to entities planning to apply to the United States for permission to establish such zones.

**Sec. 13.** RCW 27.34.020 and 1993 c 101 s 10 are each amended to read as follows:

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

(1) "Advisory council" means the advisory council on historic preservation.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of community, trade, and economic development.

(4) "Federal act" means the national historic preservation act of 1966 (Public Law 89-655; 80 Stat. 915).

(5) "Heritage council" means the Washington state heritage council.

(6) "Historic preservation" includes the protection, rehabilitation, restoration, identification, scientific excavation, and reconstruction of districts, sites, buildings, structures, and objects significant in American and Washington state history, architecture, archaeology, or culture.

(7) "Office" means the office of archaeology and historic preservation within the department (~~(of community development)~~).

(8) "Preservation officer" means the state historic preservation officer as provided for in RCW 27.34.210.

(9) "Project" means programs leading to the preservation for public benefit of historical properties, whether by state and local governments or other public bodies, or private organizations or individuals, including the acquisition of title or interests in, and the development of, any district, site, building, structure, or object that is significant in American and Washington state history, architecture, archaeology, or culture, and property used in connection therewith, or for its development.

(10) "State historical agencies" means the state historical societies and the office of archaeology and historic preservation within the department (~~(of community development)~~).

(11) "State historical societies" means the Washington state historical society and the eastern Washington state historical society.

(12) "Cultural resource management plan" means a comprehensive plan which identifies and organizes information on the state of Washington's historic, archaeological, and architectural resources into a set of management criteria, and which is to be used for producing reliable decisions, recommendations, and advice relative to the identification, evaluation, and protection of these resources.

**Sec. 14.** RCW 27.34.210 and 1986 c 266 s 10 are each amended to read as follows:

There is hereby established the office of archaeology and historic preservation within the department (~~(of community development)~~).

The director shall appoint the preservation officer to assist the director in implementing this chapter. The preservation officer shall have a background in program administration, an active involvement in historic preservation, and a knowledge of the national, state, and local preservation programs as they affect the state of Washington.

**Sec. 15.** RCW 27.34.310 and 1993 c 325 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the following definitions apply throughout RCW 27.34.320.

(1) "Agency" means the state agency, department, or institution that has ownership of historic property.

(2) "Historic properties" means those buildings, sites, objects, structures, and districts that are listed in or eligible for listing in the National Register of Historic Places.

(3) "Office" means the office of archaeology and historic preservation within the department of community, trade, and economic development.

**Sec. 16.** RCW 27.53.030 and 1989 c 44 s 6 are each amended to read as follows:

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

(1) "Archaeology" means systematic, scientific study of man's past through material remains.

(2) "Archaeological object" means an object that comprises the physical evidence of an indigenous and subsequent culture including material remains of past human life including monuments, symbols, tools, facilities, and technological by-products.

(3) "Archaeological site" means a geographic locality in Washington, including but not limited to, submerged and submersible lands and the bed of the sea within the state's jurisdiction, that contains archaeological objects.

(4) "Department" means the department of community, trade, and economic development.

(5) "Director" means the director of community, trade, and economic development or the director's designee.

(6) "Historic" means peoples and cultures who are known through written documents in their own or other languages. As applied to underwater archaeological resources, the term historic shall include only those properties which are listed in or eligible for listing in the Washington State Register of Historic Places (RCW 27.34.220) or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

(7) "Prehistoric" means peoples and cultures who are unknown through contemporaneous written documents in any language.

(8) "Professional archaeologist" means a person who has met the educational, training, and experience requirements of the society of professional archaeologists.

(9) "Qualified archaeologist" means a person who has had formal training and/or experience in archaeology over a period of at least three years, and has been certified in writing to be a qualified archaeologist by two professional archaeologists.

(10) "Amateur society" means any organization composed primarily of persons who are not professional archaeologists, whose primary interest is in the archaeological resources of the state, and which has been certified in writing by two professional archaeologists.

(11) "Historic archaeological resources" means those properties which are listed in or eligible for listing in the Washington State Register of Historic Places (RCW 27.34.220) or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

**Sec. 17.** RCW 27.53.130 and 1988 c 124 s 10 are each amended to read as follows:

The department (~~(of community development)~~) shall publish annually and update as necessary a list of those areas where permits are required to protect historic archaeological sites on aquatic lands.

**Sec. 18.** RCW 27.53.140 and 1988 c 124 s 11 are each amended to read as follows:

The department (~~(of community development)~~) shall have such rule-making authority as is necessary to carry out the provisions of this chapter.

**\*Sec. 19.** RCW 27.60.040 and 1987 c 195 s 1 are each amended to read as follows:

*The 1989 Washington centennial commission shall develop a comprehensive program for celebrating the centennial of Washington's admission to the union in 1889. The program shall be developed to represent the contributions of all peoples and cultures to Washington state history and to the maximum feasible extent shall be designed to encourage and support participation in the*

*centennial by all interested communities in the state. Program elements shall include:*

*(1) An annual report to the governor and the legislature incorporating the commission's specific recommendations for the centennial celebration. The report shall recommend projects and activities including, but not limited to:*

*(a) Restoration of historic properties, with emphasis on those properties appropriate for use in the observance of the centennial;*

*(b) State and local historic preservation programs and activities;*

*(c) State and local archaeological programs and activities;*

*(d) Publications, films, and other educational materials;*

*(e) Bibliographical and documentary projects;*

*(f) Conferences, lectures, seminars, and other programs;*

*(g) Museum, library, cultural center, and park improvements, services, and exhibits, including mobile exhibits;*

*(h) Destination tourism attractions. Such destination tourism attractions (i) shall be based upon the heritage of the state, (ii) shall be sponsored and owned by the state, a municipal corporation thereof, or a nonprofit corporation which has qualified under section 501(c)(3) of the federal internal revenue code, and (iii) shall satisfy economic development criteria established in cooperation with the director of community, trade, and economic development in accordance with the administrative procedure act, chapter 34.05 RCW; and*

*(i) Ceremonies and celebrations.*

*(2) The implementation of programs as supported by legislative appropriation, gifts and grants provided for the purposes of this chapter, and earned income as provided in RCW 27.60.060, for a Pacific celebration, centennial games, centennial publications, audio-visual productions, and local celebrations throughout the state.*

\*Sec. 19 was vetoed. See message at end of chapter.

**Sec. 20.** RCW 28A.160.090 and 1990 c 33 s 137 are each amended to read as follows:

Each school district board shall determine its own policy as to whether or not its school buses will be rented or leased for the purposes of RCW 28A.160.080, and if the board decision is to rent or lease, under what conditions, subject to the following:

(1) Such renting or leasing may take place only after the ((state)) director of community, trade, and economic development or any of his or her agents so authorized has, at the request of an involved governmental agency, declared that an emergency exists in a designated area insofar as the need for additional transport is concerned.

(2) The agency renting or leasing the school buses must agree, in writing, to reimburse the school district for all costs and expenses related to their use and also must provide an indemnity agreement protecting the district against any type of claim or legal action whatsoever, including all legal costs incident thereto.

**Sec. 21.** RCW 28A.300.160 and 1987 c 489 s 3 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall be the lead agency and shall assist the department of social and health services, the department of community, trade, and economic development, and school districts in establishing a coordinated primary prevention program for child abuse and neglect.

(2) In developing the program, consideration shall be given to the following:

(a) Parent, teacher, and children's workshops whose information and training is:

(i) Provided in a clear, age-appropriate, nonthreatening manner, delineating the problem and the range of possible solutions;

(ii) Culturally and linguistically appropriate to the population served;

(iii) Appropriate to the geographic area served; and

(iv) Designed to help counteract common stereotypes about child abuse victims and offenders;

(b) Training for school age children's parents and school staff, which includes:

(i) Physical and behavioral indicators of abuse;

(ii) Crisis counseling techniques;

(iii) Community resources;

(iv) Rights and responsibilities regarding reporting;

(v) School district procedures to facilitate reporting and apprise supervisors and administrators of reports; and

(vi) Caring for a child's needs after a report is made;

(c) Training for licensed day care providers and parents that includes:

(i) Positive child guidance techniques;

(ii) Physical and behavioral indicators of abuse;

(iii) Recognizing and providing safe, quality day care;

(iv) Community resources;

(v) Rights and responsibilities regarding reporting; and

(vi) Caring for the abused or neglected child;

(d) Training for children that includes:

(i) The right of every child to live free of abuse;

(ii) How to disclose incidents of abuse and neglect;

(iii) The availability of support resources and how to obtain help;

(iv) Child safety training and age-appropriate self-defense techniques; and

(v) A period for crisis counseling and reporting immediately following the completion of each children's workshop in a school setting which maximizes the child's privacy and sense of safety.

(3) The primary prevention program established under this section shall be a voluntary program and shall not be part of the basic program of education.

(4) Parents shall be given notice of the primary prevention program and may refuse to have their children participate in the program.



*\*Sec. 22. RCW 28A.305.130 and 1991 c 116 s 11 are each amended to read as follows:*

*In addition to any other powers and duties as provided by law, the state board of education shall:*

*(1) Approve or disapprove the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.*

*(2) Conduct every five years a review of the program approval standards, including the minimum standards for teachers, administrators, and educational staff associates, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and educational staff associates.*

*(3) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) above, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.*

*(4)(a) The state board of education shall adopt rules to allow a teacher certification candidate to fulfill, in part, teacher preparation program requirements through work experience as a noncertificated teacher's aide in a public school or private school meeting the requirements of RCW 28A.195.010. The rules shall include, but are not limited to, limitations based upon the recency of the teacher preparation candidate's teacher aide work experience, and limitations based on the amount of work experience that may apply toward teacher preparation program requirements under this chapter.*

*(b) The state board of education shall require that at the time of the individual's enrollment in a teacher preparation program, the supervising teacher and the building principal shall jointly provide to the teacher preparation program of the higher education institution at which the teacher candidate is enrolled, a written assessment of the performance of the teacher candidate. The assessment shall contain such information as determined by the state board of education and shall include: Evidence that at least fifty percent of the candidate's work as a noncertificated teacher's aide was involved in instructional activities with children under the supervision of a certificated teacher and that the candidate worked a minimum of six hundred thirty hours for one school year; the type of work performed by the candidate; and a recommendation of whether the candidate's work experience as a noncertificated teacher's aide should be substituted for teacher preparation program requirements. In compliance with such rules as may be established by the state board of education under this section, the teacher preparation programs of the higher education institution where the candidate is enrolled*

*shall make the final determination as to what teacher preparation program requirements may be fulfilled by teacher aide work experience.*

*(5) Supervise the issuance of such certificates as provided for in subsection (1) above and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.410.010.*

*(6) Accredited, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades one through twelve: PROVIDED, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such pre-accreditation examination and evaluation processes as may now or hereafter be established by the board.*

*(7) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.*

*(8) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.*

*(9) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.*

*(10) Carry out board powers and duties relating to the organization and reorganization of school districts under RCW 28A.315.010 through 28A.315.680 and 28A.315.900.*

*(11) By rule or regulation promulgated upon the advice of the director of community, trade, and economic development, through the director of fire protection, provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.*

*(12) Hear and decide appeals as otherwise provided by law.*

*The state board of education is given the authority to promulgate information and rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools.*

*\*Sec. 22 was vetoed. See message at end of chapter.*

*\*Sec. 23. RCW 28A.335.310 and 1993 c 461 s 3 are each amended to read as follows:*

*(1) Every school district shall identify and catalog real property of the district that is no longer required for school purposes and is suitable for the development of affordable housing for very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory shall include the location, approximate size, and current zoning classification of the property. Every school district shall provide a copy of the inventory to the department of community, trade, and economic development by November 1, 1993, with inventory revisions each November 1 thereafter.*

*(2) By November 1 of each year, beginning in 1994, every school district shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The inventory revision shall include an updated listing of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land.*

*\*Sec. 23 was vetoed. See message at end of chapter.*

*\*Sec. 24. RCW 28A.610.030 and 1990 c 33 s 507 are each amended to read as follows:*

*(1) The superintendent of public instruction, in consultation with the department of community, trade, and economic development, the department of social and health services, the state board for community and technical colleges (~~(education)~~), and community-based, nonprofit providers of adult literacy services, shall develop an adult literacy program to serve eligible parents as defined under RCW 28A.610.020. The program shall give priority to serving parents with children who have not yet enrolled in school or are in grades kindergarten through three.*

*(2) In addition to providing basic skills instruction to eligible parents, the program may include other program components which may include transportation, child care, and such other directly necessary activities as may be necessary to accomplish the purposes of RCW 28A.610.020 through 28A.610.060.*

*(3) Parents who elect to participate in training or work programs, as a condition of receiving public assistance, shall have the hours spent in parent participation programs, conducted as part of a federal head start program, or the state early childhood education and assistance program under RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908, or parent literacy programs under RCW 28A.610.020 through 28A.610.060, counted toward the fulfillment of their work and training obligation for the receipt of public assistance.*

*(4) State funds as may be appropriated for project even start shall be used solely to expand and complement, but not supplant, federal funds for adult literary programs.*

*(5) The superintendent of public instruction shall adopt rules as necessary to carry out the purposes of RCW 28A.610.020 through 28A.610.060.*

\*Sec. 24 was vetoed. See message at end of chapter.

**Sec. 25.** RCW 28B.20.283 and 1992 c 142 s 1 are each amended to read as follows:

The legislature finds that the development and commercialization of new technology is a vital part of economic development.

The legislature also finds that it is in the interests of the state of Washington to provide a mechanism to transfer and apply research and technology developed at the institutions of higher education to the private sector in order to create new products and technologies which provide job opportunities in advanced technology for the citizens of this state.

It is the intent of the legislature that the University of Washington, the Washington State University, and the department of community, trade, and economic development work cooperatively with the private sector in the development and implementation of a world class technology transfer program.

**Sec. 26.** RCW 28B.20.289 and 1992 c 142 s 4 are each amended to read as follows:

(1) The technology center shall be administered by the board of directors of the technology center.

(2) The board shall consist of the following members: Fourteen members from among individuals who are associated with or employed by technology-based industries and have broad business experience and an understanding of high technology; eight members from the state's universities with graduate science and engineering programs; the executive director of the Spokane Intercollegiate Research and Technology Institute or his or her designated representative; the provost of the University of Washington or his or her designated representative; the provost of the Washington State University or his or her designated representative; and the director of the ((state)) department of community, trade, and economic development or his or her designated representative. The term of office for each board member, excluding the executive director of the Spokane Intercollegiate Research and Technology Institute, the provost of the University of Washington, the provost of the Washington State University, and the director of the ((state)) department of community, trade, and economic development, shall be three years. The executive director of the technology center shall be an ex officio, nonvoting member of the board. The board shall meet at least quarterly. Board members shall be appointed by the governor based on the recommendations of the existing board of the technology center, and the research universities. The governor shall

stagger the terms of the first group of appointees to ensure the long term continuity of the board.

(3) The duties of the board include:

- (a) Developing the general operating policies for the technology center;
- (b) Appointing the executive director of the technology center;
- (c) Approving the annual operating budget of the technology center;
- (d) Establishing priorities for the selection and funding of research projects that guarantee the greatest potential return on the state's investment;
- (e) Approving and allocating funding for research projects conducted by the technology center, based on the recommendations of the advisory committees for each of the research centers;
- (f) In cooperation with the department of community, trade, and economic development, developing a biennial work plan and five-year strategic plan for the technology center that are consistent with the state-wide technology development and commercialization goals;
- (g) Coordinating with the University of Washington, Washington State University, and other participating institutions of higher education in the development of training, research, and development programs to be conducted at the technology center that shall be targeted to meet industrial needs;
- (h) Assisting the department of community, trade, and economic development in the department's efforts to develop state science and technology public policies and coordinate publicly funded programs;
- (i) Reviewing annual progress reports on funded research projects that are prepared by the advisory committees for each of the research centers;
- (j) Providing an annual report to the governor and the legislature detailing the activities and performance of the technology center; and
- (k) Submitting annually to the department of community, trade, and economic development an updated strategic plan and a statement of performance measured against the mission, roles, and contractual obligations of the technology center.

**Sec. 27.** RCW 28B.20.293 and 1992 c 142 s 6 are each amended to read as follows:

The department of community, trade, and economic development shall contract with the University of Washington for the expenditure of state-appropriated funds for the operation of the Washington technology center. The department of community, trade, and economic development shall provide guidance to the technology center regarding expenditure of state-appropriated funds and the development of the center's strategic plan. The director of the department of community, trade, and economic development shall not withhold funds appropriated for the technology center if the technology center complies with the provisions of its contract with the department of community, trade, and economic development. The department shall be responsible to the legislature for the contractual performance of the center.

**Sec. 28.** RCW 28B.30.537 and 1987 c 505 s 14 and 1987 c 195 s 3 are each reenacted and amended to read as follows:

The IMPACT center shall:

(1) Coordinate the teaching, research, and extension expertise of the college of agriculture and home economics at Washington State University to assist in:

(a) The design and development of information and strategies to expand the long-term international markets for Washington agricultural products; and

(b) The dissemination of such information and strategies to Washington exporters, overseas users, and public and private trade organizations;

(2) Research and identify current impediments to increased exports of Washington agricultural products, and determine methods of surmounting those impediments and opportunities for exporting new agricultural products and commodities to foreign markets;

(3) Prepare curricula to present and distribute information concerning international trade in agricultural commodities and products to students, exporters, international traders, and the public;

(4) Provide high-quality research and graduate education and professional nondegree training in international trade in agricultural commodities in cooperation with other existing programs;

(5) Ensure that activities of the center adequately reflect the objectives for the state's agricultural market development programs established by the department of agriculture as the lead state agency for such programs under chapter 43.23 RCW;

(6) Link itself through cooperative agreements with the center for international trade in forest products at the University of Washington, the state department of agriculture, the ((state)) department of community, trade, and economic development, Washington's agriculture businesses and associations, and other state agency data collection, processing, and dissemination efforts; and

(7) Subject to RCW 40.07.040, report biennially to the governor and the legislature on the IMPACT center, state agricultural commodities marketing programs, and the center's success in obtaining nonstate funding for its operation.

**Sec. 29.** RCW 28B.65.040 and 1985 c 381 s 1 and 1985 c 370 s 86 are each reenacted and amended to read as follows:

(1) The Washington high-technology coordinating board is hereby created.

(2) The board shall be composed of eighteen members as follows:

(a) Eleven shall be citizen members appointed by the governor, with the consent of the senate, for four-year terms. In making the appointments the governor shall ensure that a balanced geographic representation of the state is achieved and shall attempt to choose persons experienced in high-technology fields, including at least one representative of labor. Any person appointed to fill a vacancy occurring before a term expires shall be appointed only for the remainder of that term; and

(b) Seven of the members shall be as follows: One representative from each of the state's two research universities, one representative of the state college and

regional universities, the director for the state system of community and technical colleges or the director's designee, the superintendent of public instruction or the superintendent's designee, a representative of the higher education coordinating board, and the director of the department of community, trade, and economic development or the director's designee.

(3) Members of the board shall not receive any salary for their services, but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060 for each day actually spent in attending to duties as a member of the board.

(4) A citizen member of the board shall not be, during the term of office, a member of the governing board of any public or private educational institution, or an employee of any state or local agency.

**Sec. 30.** RCW 28B.65.050 and 1985 c 381 s 2 and 1985 c 370 s 87 are each reenacted and amended to read as follows:

(1) The board shall oversee, coordinate, and evaluate the high-technology programs.

(2) The board shall:

(a) Determine the specific high-technology occupational fields in which technical training is needed and advise the institutions of higher education and the higher education coordinating board on their findings;

(b) Identify economic areas and high-technology industries in need of technical training and research and development critical to economic development and advise the institutions of higher education and the higher education coordinating board on their findings;

(c) Oversee and coordinate the Washington high-technology education and training program to insure high standards, efficiency, and effectiveness;

(d) Work cooperatively with the superintendent of public instruction to identify the skills prerequisite to the high-technology programs in the institutions of higher education;

(e) Work cooperatively with and provide any information or advice which may be requested by the higher education coordinating board during the board's review of new baccalaureate degree program proposals which are submitted under this chapter. Nothing in this chapter shall be construed as altering or superseding the powers or prerogatives of the higher education coordinating board over the review of new degree programs as established in ((~~RCW 28B.80.035~~)) section 6(2) of this 1985 act;

(f) Work cooperatively with the department of community, trade, and economic development to identify the high-technology education and training needs of existing Washington businesses and businesses with the potential to locate in Washington;

(g) Work towards increasing private sector participation and contributions in Washington high-technology programs;

(h) Identify and evaluate the effectiveness of state sponsored research related to high technology;

(i) Establish and maintain a plan, including priorities, to guide high-technology program development in public institutions of higher education, which plan shall include an assessment of current high-technology programs, steps to increase existing programs, new initiatives and programs necessary to promote high technology, and methods to coordinate and target high-technology programs to changing market opportunities in business and industry; and

(j) Prepare and submit to the legislature before the first day of each regular session an annual report on Washington high-technology programs including, but not limited to:

- (i) An evaluation of each program;
- (ii) A determination of the feasibility of expanding the program; and
- (iii) Recommendations, including recommendations for further legislation as the board deems necessary.

(3) The board may adopt rules under chapter 34.05 RCW as it deems necessary to carry out the purposes of this chapter.

(4) The board shall cease to exist on June 30, 1987, unless extended by law for an additional fixed period of time.

**Sec. 31.** RCW 28B.65.060 and 1985 c 381 s 3 are each amended to read as follows:

Staff support for the high-technology coordinating board shall be provided by the department of community, trade, and economic development.

**Sec. 32.** RCW 28C.04.440 and 1985 c 466 s 40 are each amended to read as follows:

The department of community, trade, and economic development (~~(or its successor)~~) and the employment security department shall each enter into an interagency agreement with the commission on vocational education to establish cooperative working arrangements for the purposes of RCW 28C.04.410 through 28C.04.480.

**Sec. 33.** RCW 28C.04.460 and 1985 c 466 s 41 are each amended to read as follows:

The department of community, trade, and economic development or its successor shall for the purposes of RCW 28C.04.410 through 28C.04.480:

(1) Work cooperatively with the commission on vocational education to market the job skills program to business and economic development agencies and other firms;

(2) Recruit industries from outside the state to participate in the job skills training program; and

(3) Refer business and industry interested in developing a job skills training program to the commission on vocational education.

**Sec. 34.** RCW 35.02.260 and 1991 c 360 s 6 are each amended to read as follows:

The department of community, trade, and economic development shall identify federal, state, and local agencies that should receive notification that a



new city or town is about to incorporate and shall assist newly formed cities and towns during the interim period before the official date of incorporation in providing such notification to the identified agencies.

**Sec. 35.** RCW 35.13.171 and 1985 c 6 s 2 are each amended to read as follows:

Within thirty days after the filing of a city's or town's annexation resolution pursuant to RCW 35.13.015 with the board of county commissioners or within thirty days after filing with the county commissioners a petition calling for an election on annexation, as provided in RCW 35.13.020, or within thirty days after approval by the legislative body of a city or town of a petition of property owners calling for annexation, as provided in RCW 35.13.130, the mayor of the city or town concerned that is not subject to the jurisdiction of a boundary review board under chapter 36.93 RCW, shall convene a review board composed of the following persons:

(1) The mayor of the city or town initiating the annexation by resolution, or the mayor in the event of a twenty percent annexation petition pursuant to RCW 35.13.020, or an alternate designated by ~~((him))~~ the mayor;

(2) The chairman of the board of county commissioners of the county wherein the property to be annexed is situated, or an alternate designated by him or her;

(3) The director of community, trade, and economic development, or an alternate designated by ~~((him))~~ the director;

Two additional members to be designated, one by the mayor of the annexing city, which member shall be a resident property owner of the city, and one by the chairman of the county legislative authority, which member shall be a resident of and a property owner or a resident or a property owner if there be no resident property owner in the area proposed to be annexed, shall be added to the original membership and the full board thereafter convened upon call of the mayor: PROVIDED FURTHER, That three members of the board shall constitute a quorum.

**Sec. 36.** RCW 35.21.300 and 1991 c 165 s 2 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, 1991, utility service for residential space heating may be terminated between November 15 and March 15 only as provided in subsections (2) and (4) of this section. In the event of a disputed account and tender by the owner of the premises of the amount ~~((he))~~ the owner 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) Utility service for residential space heating shall not be terminated 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 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, trade, and economic 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;

(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.

(3) 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;

(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.

(4) 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.

(5) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

**Sec. 37.** RCW 35.21.687 and 1993 c 461 s 4 are each amended to read as follows:

(1) Every city and town, including every code city operating under Title 35A RCW, shall identify and catalog real property owned by the city or town that is no longer required for its purposes and is suitable for the development of affordable housing for very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory shall include the location, approximate size, and current zoning classification of the property. Every city and town shall provide a copy of the inventory to the department of community, trade, and economic development by November 1, 1993, with inventory revisions each November 1 thereafter.

(2) By November 1 of each year, beginning in 1994, every city and town, including every code city operating under Title 35A RCW, shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The inventory revision shall also contain a list of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land.

**Sec. 38.** RCW 35.21.755 and 1993 c 220 s 1 are each amended to read as follows:

(1) A public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660 shall receive the same immunity or exemption from taxation as that of the city, town, or county creating the same: PROVIDED, That, except for (a) any property within a special review district established by ordinance prior to January 1, 1976, or listed on or which is within a district listed on any federal or state register of historical sites or (b) any property owned, operated, or controlled by a public corporation that is used primarily for low-

income housing, or that is used as a convention center, performing arts center, public assembly hall, or public meeting place, any such public corporation, commission, or authority shall pay to the county treasurer an annual excise tax equal to the amounts which would be paid upon real property and personal property devoted to the purposes of such public corporation, commission, or authority were it in private ownership, and such real property and personal property is acquired and/or operated under RCW 35.21.730 through 35.21.755, and the proceeds of such excise tax shall be allocated by the county treasurer to the various taxing authorities in which such property is situated, in the same manner as though the property were in private ownership: PROVIDED FURTHER, That the provisions of chapter 82.29A RCW shall not apply to property within a special review district established by ordinance prior to January 1, 1976, or listed on or which is within a district listed on any federal or state register of historical sites and which is controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660, which was in existence prior to January 1, 1987: AND PROVIDED FURTHER, That property within a special review district established by ordinance prior to January 1, 1976, or property which is listed on any federal or state register of historical sites and controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660, which was in existence prior to January 1, 1976, shall receive the same immunity or exemption from taxation as if such property had been within a district listed on any such federal or state register of historical sites as of January 1, 1976, and controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660 which was in existence prior to January 1, 1976.

(2) As used in this section:

(a) "Low-income" means a total annual income, adjusted for family size, not exceeding fifty percent of the area median income.

(b) "Area median income" means:

(i) For an area within a standard metropolitan statistical area, the area median income reported by the United States department of housing and urban development for that standard metropolitan statistical area; or

(ii) For an area not within a standard metropolitan statistical area, the county median income reported by the department of community, trade, and economic development.

**Sec. 39.** RCW 35.21.779 and 1992 c 117 s 6 are each amended to read as follows:

(1) In cities or towns where the estimated value of state-owned facilities constitutes ten percent or more of the total assessed valuation, the state agency or institution owning the facilities shall contract with the city or town to pay an equitable share for fire protection services. The contract shall be negotiated as provided in subsections (2) through (6) of this section and shall provide for payment by the agency or institution to the city or town.

(2) A city or town seeking to enter into fire protection contract negotiations shall provide written notification to the department of community, trade, and economic development and the state agencies or institutions that own property within the jurisdiction, of its intent to contract for fire protection services. Where there are multiple state agencies located within a single jurisdiction, a city may choose to notify only the department of community, trade, and economic development, which in turn shall notify the agencies or institution that own property within the jurisdiction of the city's intent to contract for fire protection services. Any such notification shall be based on the valuation procedures, based on commonly accepted standards, adopted by the department of community, trade, and economic development in consultation with the department of general administration and the association of Washington cities.

(3) The department of community, trade, and economic development shall review any such notification to ensure that the valuation procedures and results are accurate. The department will notify each affected city or town and state agency or institution of the results of their review within thirty days of receipt of notification.

(4) The parties negotiating fire protection contracts under this section shall conduct those negotiations in good faith. Whenever there are multiple state agencies located within a single jurisdiction, every effort shall be made by the state to consolidate negotiations on behalf of all affected agencies.

(5) In the event of notification by one of the parties that an agreement cannot be reached on the terms and conditions of a fire protection contract, the director of the department of community, trade, and economic development shall mediate a resolution of the disagreement. In the event of a continued impasse, the director of the department of community, trade, and economic development shall recommend a resolution.

(6) If the parties reject the recommendation of the director and an impasse continues, the director shall direct the parties to arbitration. The parties shall agree on a neutral arbitrator, and the fees and expenses of the arbitrator shall be shared equally between the parties. The arbitration shall be a final offer, total arbitration, with the arbitrator empowered only to pick the final offer of one of the parties or the recommended resolution by the director of the department of community, trade, and economic development. The decision of the arbitrator shall be final, binding, and nonappealable on the parties.

(7) The provisions of this section shall not apply if a city or town and a state agency or institution have contracted pursuant to RCW 35.21.775.

(8) The provisions of this section do not apply to cities and towns not meeting the conditions in subsection (1) of this section. Cities and towns not meeting the conditions of subsection (1) of this section may enter into contracts pursuant to RCW 35.21.775.

**Sec. 40.** RCW 36.01.120 and 1985 c 466 s 44 are each amended to read as follows:

It is the finding of the legislature that foreign trade zones serve an important public purpose by the creation of employment opportunities within the state and that the establishment of zones designed to accomplish this purpose is to be encouraged. It is the further intent of the legislature that the department of community, trade, and economic development provide assistance to entities planning to apply to the United States for permission to establish such zones.

**Sec. 41.** RCW 36.27.100 and 1989 c 271 s 236 are each amended to read as follows:

The legislature recognizes that, due to the magnitude or volume of offenses in a given area of the state, there is a recurring need for supplemental assistance in the prosecuting of drug and drug-related offenses that can be directed to the area of the state with the greatest need for short-term assistance. A state-wide drug prosecution assistance program is created within the department of community, trade, and economic development to assist county prosecuting attorneys in the prosecution of drug and drug-related offenses.

**\*Sec. 42.** RCW 36.70A.040 and 1993 sp.s. c 6 s 1 are each amended to read as follows:

*(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 conform with all of the requirements of 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, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section.*

*Once a county meets either of these sets of criteria, the requirement to conform with all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.*

*(2) The county legislative authority of any county that does not meet either of the sets of criteria established under 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 conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county and the cities located within the county remain subject to all of the requirements of this chapter.*

*(3) Any county or city that is initially required to conform with all of the requirements of this chapter under subsection (1) of this section shall take*

*actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forest lands, and mineral resource lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, 1994, and if the county has a population of less than fifty thousand, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan by January 1, 1995, but if the governor makes written findings that a county with a population of less than fifty thousand or a city located within such a county is not making reasonable progress toward adopting a comprehensive plan and development regulations the governor may reduce this deadline for such actions to be taken by no more than one hundred eighty days. Any county or city subject to this subsection may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department (~~of community development~~) of its need prior to the deadline for adopting both a comprehensive plan and development regulations.*

*(4) Any county or city that is required to conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than four years from the date the county legislative authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department (~~of community development~~) of its need prior to the deadline for adopting both a comprehensive plan and development regulations.*

*(5) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the sets of criteria specified under subsection (1) of this section, and where applicable, 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 take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office of financial management; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan and development regulations that are consistent with and implement the comprehensive plan within four years of the certification by the office of financial management, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department (~~of community development~~) of its need prior to the deadline for adopting both a comprehensive plan and development regulations.*

*(6) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption.*

\*Sec. 42 was vetoed. See message at end of chapter.

**Sec. 43.** RCW 36.70A.385 and 1991 sp.s. c 32 s 20 are each amended to read as follows:

(1) The legislature intends to determine whether the environmental review process mandated under chapter 43.21C RCW may be enhanced and simplified, and coordination improved, when applied to comprehensive plans mandated by this chapter. The department (~~of community development~~) shall undertake pilot projects on environmental review to determine if the review process can be improved by fostering more coordination and eliminating duplicative environmental analysis which is made to assist decision makers approving comprehensive plans pursuant to this chapter. Such pilot projects should be designed and scoped to consider cumulative impacts resulting from plan decisions, plan impacts on environmental quality, impacts on adjacent jurisdictions, and similar factors in sufficient depth to simplify the analysis of subsequent specific projects being carried out pursuant to the approved plan.

(2) The legislature hereby authorizes the department (~~of community development~~) to establish, in cooperation with business, industry, cities, counties, and other interested parties, at least two but not more than four pilot projects, one of which shall be with a county, on enhanced draft and final nonproject environmental analysis of comprehensive plans prepared pursuant to this chapter, for the purposes outlined in subsection (1) of this section. The



department (~~(of community development)~~) may select appropriate geographic subareas within a comprehensive plan if that will best serve the purposes of this section and meet the requirements of chapter 43.21C RCW.

(3) An enhanced draft and final nonproject environmental analysis prepared pursuant to this section shall follow the rules adopted pursuant to chapter 43.21C RCW.

(4) Not later than December 31, 1993, the department (~~(of community development)~~) shall evaluate the overall effectiveness of the pilot projects under this section regarding preparing enhanced nonproject environmental analysis for the approval process of comprehensive plans and shall:

(a) Provide an interim report of its findings to the legislature with such recommendations as may be appropriate, including the need, if any, for further legislation;

(b) Consider adoption of any further rules or guidelines as may be appropriate to assist counties and cities in meeting requirements of chapter 43.21C RCW when considering comprehensive plans; and

(c) Prepare and circulate to counties and cities such instructional manuals or other information derived from the pilot projects as will assist all counties and cities in meeting the requirements and objectives of chapter 43.21C RCW in the most expeditious and efficient manner in the process of considering comprehensive plans pursuant to this chapter.

(5) The department (~~(of community development)~~) shall submit a final report to the legislature no later than December 31, 1995.

**Sec. 44.** RCW 36.93.080 and 1985 c 6 s 7 are each amended to read as follows:

Expenditures by the board shall be subject to the provisions of chapter 36.40 RCW and other statutes relating to expenditures by counties. The department of community, trade, and economic development shall on a quarterly basis remit to each county one-half of the actual costs incurred by the county for the operation of the boundary review board within individual counties as provided for in this chapter. However, in the event no funds are appropriated to the said agency for this purpose, this shall not in any way affect the operation of the boundary review board.

**Sec. 45.** RCW 36.110.030 and 1993 c 285 s 3 are each amended to read as follows:

A state-wide jail industries board of directors is established. The board shall consist of the following members:

(1) One sheriff and one police chief, to be selected by the Washington association of sheriffs and police chiefs;

(2) One county commissioner or one county councilmember to be selected by the Washington state association of counties;

(3) One city official to be selected by the association of Washington cities;

(4) Two jail administrators to be selected by the Washington state jail association, one of whom shall be from a county or a city with an established jail industries program;

(5) One prosecuting attorney to be selected by the Washington association of prosecuting attorneys;

(6) One administrator from a city or county corrections department to be selected by the Washington correctional association;

(7) One county clerk to be selected by the Washington association of county clerks;

(8) Three representatives from labor to be selected by the governor. The representatives may be chosen from a list of nominations provided by state-wide labor organizations representing a cross-section of trade organizations;

(9) Three representatives from business to be selected by the governor. The representatives may be chosen from a list of nominations provided by state-wide business organizations representing a cross-section of businesses, industries, and all sizes of employers;

(10) The governor's representative from the employment security department;

(11) One member representing crime victims, to be selected by the governor;

(12) One member representing on-line law enforcement officers, to be selected by the governor;

(13) One member from the department of community, trade, and economic development to be selected by the governor;

(14) One member representing higher education, vocational education, or adult basic education to be selected by the governor; and

(15) The governor's representative from the correctional industries division of the state department of corrections shall be an ex officio member for the purpose of coordination and cooperation between prison and jail industries and to further a positive relationship between state and local government offender programs.

*\*Sec. 46. RCW 38.52.005 and 1986 c 266 s 22 are each amended to read as follows:*

*The department of community, trade, and economic development shall administer the comprehensive emergency management program of the state of Washington as provided for in this chapter. All local organizations, organized and performing emergency management functions pursuant to RCW 38.52.070, may change their name and be called the . . . . . department/division of emergency management.*

\*Sec. 46 was vetoed. See message at end of chapter.

*\*Sec. 47. RCW 38.52.010 and 1993 c 251 s 5 and 1993 c 206 s 1 are each reenacted and amended to read as follows:*

*As used in this chapter:*

(1) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural or man-made, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

(2) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

(3) "Political subdivision" means any county, city or town.

(4) "Emergency worker" means any person, including but not limited to an architect registered under chapter 18.08 RCW or a professional engineer registered under chapter 18.43 RCW, who is registered with a local emergency management organization or the department of community, trade, and economic development and holds an identification card issued by the local emergency management director or the department of community, trade, and economic development for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

(5) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

(6)(a) "Emergency or disaster" as used in all sections of this chapter except RCW 38.52.430 shall mean an event or set of circumstances which: (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (ii) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(b) "Emergency" as used in RCW 38.52.430 means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in RCW 38.52.430.

(7) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural or man-made disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect

appropriate activity by the department of transportation under chapter 47.68 RCW.

(8) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor.

(9) "Director" means the director of community, trade, and economic development.

(10) "Local director" means the director of a local organization of emergency management or emergency services.

(11) "Department" means the department of community, trade, and economic development.

(12) "Emergency response" as used in RCW 38.52.430 means a public agency's use of emergency services during an emergency or disaster as defined in subsection (6)(b) of this section.

(13) "Expense of an emergency response" as used in RCW 38.52.430 means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, fire fighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

(14) "Public agency" means the state, and a city, county, municipal corporation, district, or public authority located, in whole or in part, within this state which provides or may provide fire fighting, police, ambulance, medical, or other emergency services.

\*Sec. 47 was vetoed. See message at end of chapter.

\*Sec. 48. RCW 38.52.090 and 1987 c 185 s 6 are each amended to read as follows:

(1) The director of each local organization for emergency management may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state emergency management plan and program, and in time of emergency it shall be the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual aid arrangements. The director (~~(of community development)~~) shall adopt and distribute a standard form of contract for use by local organizations in understanding and carrying out said mutual aid arrangements.

(2) The director (~~(of community development)~~) and the director of each local organization for emergency management may, subject to the approval of the governor, enter into mutual aid arrangements with emergency management agencies or organizations in other states for reciprocal emergency management

*aid and assistance in case of disaster too great to be dealt with unassisted. All such arrangements shall be pursuant to either of the compacts contained in subsection (2) (a) or (b) of this section.*

*(a) The legislature recognizes that the compact language contained in this subsection is inadequate to meet many forms of emergencies. For this reason, after June 7, 1984, the state may not enter into any additional compacts under this subsection (2)(a).*

### **INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT**

*The contracting States solemnly agree:*

*Article 1. The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full and effective utilization of the resources of the respective States, including such resources as may be available from the United States Government or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the civil defense agencies or similar bodies of the States that are parties hereto. The Directors of Civil Defense (Emergency Services) of all party States shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.*

*Article 2. It shall be the duty of each party State to formulate civil defense plans and programs for application within such State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party States shall so far as possible provide and follow uniform standards, practices and rules and regulations including:*

*(a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services;*

*(b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces and other tests and exercises;*

*(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;*

*(d) The effective screening or extinguishing of all lights and lighting devices and appliances;*

*(e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;*

*(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party State;*

*(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during, and subsequent to drills or attacks;*

*(h) The safety of public meetings or gatherings; and*

*(i) Mobile support units.*

*Article 3. Any party State requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for such State. Each party State shall extend to the civil defense forces of any other party State, while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving State), duties, rights, privileges and immunities as if they were performing their duties in the State in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the State receiving assistance.*

*Article 4. Whenever any person holds a license, certificate or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party State to meet an emergency or disaster and such State shall give due recognition to such license, certificate or other permit as if issued in the State in which aid is rendered.*

*Article 5. No party State or its officers or employees rendering aid in another State pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.*

*Article 6. Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that appropriate among other States party hereto, this instrument contains elements of a broad base common to all States, and nothing herein contained shall preclude any State from entering into supplementary agreements with another State or States. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.*

*Article 7. Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State*

*and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.*

*Article 8. Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding State may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party State without charge or cost; and provided further that any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any liability and reimburse the party State supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.*

*Article 9. Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party State of which the evacuees are residents, or by the United States Government under plans approved by it. After the termination of the emergency or disaster the party State of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.*

*Article 10. This compact shall be available to any State, territory or possession of the United States, and the District of Columbia. The term "State" may also include any neighboring foreign country or province or state thereof.*

*Article 11. The committee established pursuant to Article I of this compact may request the Civil Defense Agency of the United States Govern-*

*ment to act as an informational and coordinating body under this compact, and representatives of such agency of the United States Government may attend meetings of such committee.*

*Article 12. This compact shall become operative immediately upon its ratification by any State as between it and any other State or States so ratifying and shall be subject to approval by Congress unless prior Congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party States and with the Civil Defense Agency and other appropriate agencies of the United States Government.*

*Article 13. This compact shall continue in force and remain binding on each party State until the legislature or the Governor of such party State takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the Governor of the party State desiring to withdraw to the Governors of all other party States.*

*Article 14. This compact shall be construed to effectuate the purposes stated in Article 1 hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be effected thereby.*

*Article 15. (a) This Article shall be in effect only as among those states which have enacted it into law or in which the Governors have adopted it pursuant to constitutional or statutory authority sufficient to give it the force of law as part of this compact. Nothing contained in this Article or in any supplementary agreement made in implementation thereof shall be construed to abridge, impair or supersede any other provision of this compact or any obligation undertaken by a State pursuant thereto, except that if its terms so provide, a supplementary agreement in implementation of this Article may modify, expand or add to any such obligation as among the parties to the supplementary agreement.*

*(b) In addition to the occurrences, circumstances and subject matters to which preceding articles of this compact make it applicable, this compact and the authorizations, entitlements and procedures thereof shall apply to:*

*1. Searches for and rescue of person who are lost, marooned, or otherwise in danger.*

*2. Action useful in coping with disasters arising from any cause or designed to increase the capability to cope with any such disasters.*

*3. Incidents, or the imminence thereof, which endanger the health or safety of the public and which require the use of special equipment, trained personnel or personnel in larger numbers than are locally available in order to reduce, counteract or remove the danger.*

*4. The giving and receiving of aid by subdivisions of party States.*



5. *Exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with or prevent any disaster or other emergency to which this compact applies.*

(c) *Except as expressly limited by this compact or a supplementary agreement in force pursuant thereto, any aid authorized by this compact or such supplementary agreement may be furnished by any agency of a party State, a subdivision of such State, or by a joint agency providing such aid shall be entitled to reimbursement therefor to the same extent and in the same manner as a State. The personnel of such a joint agency, when rendering aid pursuant to this compact shall have the same rights, authority and immunity as personnel of party States.*

(d) *Nothing in this Article shall be construed to exclude from the coverage of Articles 1-15 of this compact any matter which, in the absence of this Article, could reasonably be construed to be covered thereby.*

(b) *The compact language contained in this subsection (2)(b) is intended to deal comprehensively with emergencies requiring assistance from other states.*

## **INTERSTATE MUTUAL AID COMPACT**

### **Purpose**

*The purpose of this Compact is to provide voluntary assistance among participating states in responding to any disaster or imminent disaster, that over extends the ability of local and state governments to reduce, counteract or remove the danger. Assistance may include, but not be limited to, rescue, fire, police, medical, communication, transportation services and facilities to cope with problems which require use of special equipment, trained personnel or personnel in large numbers not locally available.*

### **Authorization**

*Article 1, Section 10 of the Constitution of the United States permits a state to enter into an agreement or compact with another state, subject to the consent of Congress. Congress, through enactment of Title 50 U.S.C. Sections 2281(g), 2283 and the Executive Department, by issuance of Executive Orders No. 10186 of December 1, 1950, encourages the states to enter into emergency, disaster and civil defense mutual aid agreements or pacts.*

### **Implementation**

*It is agreed by participating states that the following conditions will guide implementation of the Compact:*

1. *Participating states through their designated officials are authorized to request and to receive assistance from a participating state. Requests will be granted only if the requesting state is committed to the mitigation of the emergency, and other resources are not immediately available.*

2. *Requests for assistance may be verbal or in writing. If the request is made by other than written communication, it shall be confirmed in writing as*

soon as practical after the request. A written request shall provide an itemization of equipment and operators, types of expertise, personnel or other resources needed. Each request must be signed by an authorized official.

3. Personnel and equipment of the aiding party made available to the requesting party shall, whenever possible, remain under the control and direction of the aiding party. The activities of personnel and equipment of the aiding party must be coordinated by the requesting party.

4. An aiding state shall have the right to withdraw some or all of their personnel and/or equipment whenever the personnel or equipment are needed by that state. Notice of intention to withdraw should be communicated to the requesting party as soon as possible.

#### *General Fiscal Provisions*

The state government of the requesting party shall reimburse the state government of the aiding party. It is understood that reimbursement shall be made as soon as possible after the receipt by the requesting party of an itemized voucher requesting reimbursement of costs.

1. Any party rendering aid pursuant to this Agreement shall be reimbursed by the state receiving such aid for any damage to, loss of, or expense incurred in the operation of any equipment used in responding to a request for aid, and for the cost incurred in connection with such requests.

2. Any state rendering aid pursuant to this Agreement shall be reimbursed by the state receiving such aid for the cost of payment of compensation and death benefits to injured officers, agents, or employees and their dependents or representatives in the event such officers, agents, or employees sustain injuries or are killed while rendering aid pursuant to this arrangement, provided that such payments are made in the same manner and on the same terms as if the injury or death were sustained within such state.

#### *Privileges and Immunities*

1. All privileges and immunities from liability, exemptions from law, ordinances, rules, all pension, relief disability, workers' compensation, and other benefits which apply to the activity of officers, agents, or employees when performing their respective functions within the territorial limits of their respective political subdivisions, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extra-territorially under the provisions of this Agreement.

2. All privileges and immunities from liability, exemptions from law, ordinances, and rules, workers' compensation and other benefits which apply to duly enrolled or registered volunteers when performing their respective functions at the request of their state and within its territorial limits, shall apply to the same degree and extent while performing their functions extra-territorially under the provisions of this Agreement. Volunteers may include, but not be limited to, physicians, surgeons, nurses, dentists, structural engineers, and trained search and rescue volunteers.

3. *The signatory states, their political subdivisions, municipal corporations and other public agencies shall hold harmless the corresponding entities and personnel thereof from the other state with respect to the acts and omissions of its own agents and employees that occur while providing assistance pursuant to the common plan.*

4. *Nothing in this arrangement shall be construed as repealing or impairing any existing Interstate Mutual Aid Agreements.*

5. *Upon enactment of this Agreement by two or more states, and by January 1, annually thereafter, the participating states will exchange with each other the names of officials designated to request and/or provide services under this arrangement. In accordance with the cooperative nature of this arrangement, it shall be permissible and desirable for the parties to exchange operational procedures to be followed in requesting assistance and reimbursing expenses.*

6. *This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two states. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state.*

7. *This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate official of all other party states. An actual withdrawal shall not take effect until the thirtieth consecutive day after the notice provided in the statute has been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal.*

\*Sec. 48 was vetoed. See message at end of chapter.

\*Sec. 49. *RCW 38.54.010 and 1992 c 117 s 9 are each amended to read as follows:*

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

(1) *"Department" means the department of community, trade, and economic development.*

(2) *"Director" means the director of the department of community, trade, and economic development.*

(3) *"State fire marshal" means the assistant director of the division of fire protection services in the department ((of ~~community development~~)).*

(4) *"Fire chief" includes the chief officer of a statutorily authorized fire agency, or the fire chief's authorized representative. Also included are the department of natural resources fire control chief, and the department of natural resources regional managers.*

(5) *"Jurisdiction" means state, county, city, fire district, or port district ((~~fire~~)) fire fighting units, or other units covered by this chapter.*

(6) "Mobilization" means that fire fighting resources beyond those available through existing agreements will be requested and, when available, sent to fight a fire that has or soon will exceed the capabilities of available local resources. During a large scale fire emergency, mobilization includes redistribution of regional or state-wide fire fighting resources to either direct fire fighting assignments or to assignment in communities where fire fighting resources are needed. This chapter shall not reduce or suspend the authority or responsibility of the department of natural resources under chapter 76.04 RCW.

(7) "Mutual aid" means emergency interagency assistance provided without compensation under ~~((and {an})~~) an agreement between jurisdictions under chapter 39.34 RCW.

\*Sec. 49 was vetoed. See message at end of chapter.

\*Sec. 50. RCW 38.54.020 and 1992 c 117 s 10 are each amended to read as follows:

*Because of the possibility of the occurrence of disastrous fires or other disasters of unprecedented size and destructiveness, the need to insure that the state is adequately prepared to respond to such a fire or disaster, the need to establish a mechanism and a procedure to provide for reimbursement to fire fighting agencies that respond to help others in time of need, and generally to protect the public peace, health, safety, lives, and property of the people of Washington, it is hereby declared necessary to:*

(1) Provide the policy and organizational structure for large scale mobilization of fire fighting resources in the state through creation of the Washington state fire services mobilization plan;

(2) Confer upon the director ~~((of the department of community development))~~ the powers provided herein; and

(3) Provide a means for reimbursement to fire jurisdictions that incur expenses when mobilized by the director under the Washington state fire services mobilization plan.

\*Sec. 50 was vetoed. See message at end of chapter.

\*Sec. 51. RCW 38.54.030 and 1992 c 117 s 11 are each amended to read as follows:

*There is created the state fire defense board consisting of the state fire marshal, a representative from the department of natural resources appointed by the commissioner of public lands, the assistant director of the emergency management division of the department ~~((of community development))~~, and one representative selected by each regional fire defense board in the state. Members of the state fire defense board shall select from among themselves a chairperson. Members serving on the board do so in a voluntary capacity and are not eligible for reimbursement for meeting-related expenses from the state.*

*The state fire defense board shall develop and maintain the Washington state fire services mobilization plan, which shall include the procedures to be used during fire emergencies for coordinating local, regional, and state fire*

*jurisdiction resources. The Washington state fire services mobilization plan shall be consistent with, and made part of, the Washington state comprehensive emergency management plan. The director shall review the fire services mobilization plan as submitted by the state fire defense board and after consultation with the fire protection policy board, recommend changes that may be necessary, and approve the fire services mobilization plan for inclusion within the state comprehensive emergency management plan.*

*It is the responsibility of the director to mobilize jurisdictions under the Washington state fire services mobilization plan. The state fire marshal shall serve as the state fire resources coordinator when the Washington state fire services mobilization plan is mobilized.*

\*Sec. 51 was vetoed. See message at end of chapter.

*\*Sec. 52. RCW 38.54.050 and 1992 c 117 s 13 are each amended to read as follows:*

*The department (~~of community development~~) in consultation with the office of financial management shall develop procedures to facilitate reimbursement to jurisdictions from appropriate federal and state funds when jurisdictions are mobilized by the director under the Washington state fire services mobilization plan.*

\*Sec. 52 was vetoed. See message at end of chapter.

*\*Sec. 53. RCW 39.19.040 and 1985 c 466 s 45 are each amended to read as follows:*

*(1) There is hereby created an advisory committee on minority and women's business enterprises to assist the director with the development of policies to carry out this chapter, consisting of the director of the office of financial management as a voting member and the following nonvoting members: The executive director of the human rights commission, a representative of the council of state college and university presidents, the commissioner of employment security, the secretary of social and health services, the secretary of transportation, the director of general administration, and the director of community, trade, and economic development. The president of the senate and the speaker of the house shall appoint two members each, one from the majority, and one from the minority party of each body. The governor shall appoint nine voting members from the private sector who shall be representative of both sexes and who shall also be ethnically and geographically diverse. Six of the private sector members shall represent minority and women-owned businesses; three members shall be from the business community.*

*(2) The initial terms of the private sector members shall commence on July 1, 1983. Five private sector members shall be appointed for an initial term of two years; four private sector members shall be appointed for an initial term of four years. Thereafter, all private sector members shall be appointed for four years or until their respective successors are appointed. Appointments*

*to fill vacancies shall be for the balance of any unexpired term, and shall be filled in the same manner as the original appointments.*

*(3) Private sector members shall serve without pay, but all committee members shall be entitled to reimbursement for travel expenses incurred in performance of their duties as members of the committee under RCW 43.03.050 and 43.03.060, except that legislative members shall be entitled to reimbursement under RCW 44.04.120.*

*(4) Six voting members constitute a quorum for the conduct of official business. The advisory committee shall elect a chairperson from among the private sector members.*

\*Sec. 53 was vetoed. See message at end of chapter.

**Sec. 54.** RCW 39.44.210 and 1990 c 220 s 2 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, trade, and economic 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, trade, and economic 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, trade, and economic 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, trade, and economic 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.

**Sec. 55.** RCW 39.44.230 and 1989 c 225 s 3 are each amended to read as follows:

The department of community, trade, and economic development may adopt rules and regulations pursuant to the administrative procedure act to require (1) the submission of bond issuance information by underwriters and bond counsel to the department of community, trade, and economic development in a timely

manner and (2) the submission of additional information on bond issues by state and local governments, including summaries of outstanding bond issues.

**Sec. 56.** RCW 39.84.090 and 1987 c 505 s 22 are each amended to read as follows:

(1) Prior to issuance of any revenue bonds, each public corporation shall submit a copy of its enabling ordinance and charter, a description of any industrial development facility proposed to be undertaken, and the basis for its qualification as an industrial development facility to the department of community, trade, and economic development.

(2) If the industrial development facility is not eligible under this chapter, the department of community, trade, and economic development shall give notice to the public corporation, in writing and by certified mail, within twelve working days of receipt of the description.

(3) The department of trade and economic development shall report annually through 1989 to the chairs of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees, and to the governor on the amount of capital investment undertaken under this chapter and the amount of permanent employment reasonably related to the existence of such industrial development facilities.

(4) The department of community, trade, and economic development shall provide such advice and assistance to public corporations and municipalities which have created or may wish to create public corporations as the public corporations or municipalities request and the department of community, trade, and economic development considers appropriate.

**Sec. 57.** RCW 39.86.110 and 1987 c 297 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means the department of community, trade, and economic development.

(2) "Board" means the community economic revitalization board established under chapter 43.160 RCW.

(3) "Bonds" means bonds, notes, or other obligations of an issuer.

(4) "Bond use category" means any of the following categories of bonds which are subject to the state ceiling: (a) Housing, (b) student loans, (c) small issue, (d) exempt facility, (e) redevelopment, (f) public utility; and (g) remainder.

(5) "Carryforward" is an allocation or reallocation of the state ceiling which is carried from one calendar year to a later year, in accordance with the code.

(6) "Code" means the federal internal revenue code of 1986 as it exists on May 8, 1987. It also means the code as amended after May 8, 1987, but only if the amendments are approved by the agency under RCW 39.86.180.

(7) "Director" means the director of the agency or the director's designee.

(8) "Exempt facility" means the bond use category which includes all bonds which are exempt facility bonds as described in the code, except those for qualified residential rental projects.

(9) "Firm and convincing evidence" means documentation that satisfies the director that the issuer is committed to the prompt financing of, and will issue tax exempt bonds for, the project or program for which it requests an allocation from the state ceiling.

(10) "Housing" means the bond use category which includes: (a) Mortgage revenue bonds and mortgage credit certificates as described in the code; and (b) exempt facility bonds for qualified residential rental projects as described in the code.

(11) "Initial allocation" means the portion or dollar value of the state ceiling which initially in each calendar year is allocated to a bond use category for the issuance of private activity bonds, in accordance with RCW 39.86.120.

(12) "Issuer" means the state, any agency or instrumentality of the state, any political subdivision, or any other entity authorized to issue private activity bonds under state law.

(13) "Private activity bonds" means obligations that are private activity bonds as defined in the code or bonds for purposes described in section 1317(25) of the tax reform act of 1986.

(14) "Program" means the activities for which housing bonds or student loan bonds may be issued.

(15) "Public utility" means the bond use category which includes those bonds described in section 1317(25) of the tax reform act of 1986.

(16) "Redevelopment" means the bond use category which includes qualified redevelopment bonds as described in the code.

(17) "Remainder" means that portion of the state ceiling remaining after initial allocations are made under RCW 39.86.120 for any other bond use category.

(18) "Small issue" means the bond use category which includes all industrial development bonds that constitute qualified small issue bonds, as described in the code.

(19) "State" means the state of Washington.

(20) "State ceiling" means the volume limitation for each calendar year on tax-exempt private activity bonds, as imposed by the code.

(21) "Student loans" means the bond use category which includes qualified student loan bonds as described in the code.

**Sec. 58.** RCW 40.10.020 and 1986 c 266 s 45 are each amended to read as follows:

The state archivist is authorized to reproduce those documents designated as essential records by the several elected and appointed officials of the state and local government by microfilm or other miniature photographic process and to assist and cooperate in the storage and safeguarding of such reproductions in such place as is recommended by the state archivist with the advice of the



director of community, trade, and economic development. The state archivist shall coordinate the essential records protection program and shall carry out the provisions of the state emergency plan as they relate to the preservation of essential records. The state archivist is authorized to charge the several departments of the state and local government the actual cost incurred in reproducing, storing and safeguarding such documents: PROVIDED, That nothing herein shall authorize the destruction of the originals of such documents after reproduction thereof.

**Sec. 59.** RCW 41.06.072 and 1986 c 266 s 8 are each amended to read as follows:

In addition to the exemptions set forth in this chapter, this chapter shall not apply within the department of community, trade, and economic development to the director, one confidential secretary, the deputy directors, all assistant directors, the state historic preservation officer, and up to two professional staff members within the emergency management program.

**Sec. 60.** RCW 42.17.2401 and 1993 sp.s. c 2 s 18, 1993 c 492 s 488, and 1993 c 281 s 43 are each reenacted and amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community, trade, and economic development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, ~~((the director of~~

~~trade and economic development,))~~ the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, liquor control board, lottery commission, marine oversight board, oil and gas conservation committee, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, public employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

**Sec. 61.** RCW 43.06.115 and 1993 c 421 s 2 are each amended to read as follows:

(1) The governor may, by executive order, after consultation with or notification of the executive-legislative committee on economic development created by chapter . . . (Senate Bill No. 5300), Laws of 1993, declare a community to be a "military impacted area." A "military impacted area" means a community or communities, as identified in the executive order, that experience serious social and economic hardships because of a change in defense spending by the federal government in that community or communities.

(2) If the governor executes an order under subsection (1) of this section, the governor shall establish a response team to coordinate state efforts to assist the military impacted community. The response team may include, but not be limited to, one member from each of the following agencies: (a) The department of community, trade, and economic development; (b) ~~((the department of trade~~

~~and economic development; (e))~~ the department of social and health services; ~~((d))~~ (c) the employment security department; ~~((e))~~ (d) the state board for community and technical colleges; ~~((f))~~ (e) the higher education coordinating board; ~~((g))~~ (f) the department of transportation; and ~~((h))~~ (g) the Washington energy office. The governor may appoint a response team coordinator. The governor shall seek to actively involve the impacted community or communities in planning and implementing a response to the crisis. The governor may seek input or assistance from the community diversification advisory committee, and the governor may establish task forces in the community or communities to assist in the coordination and delivery of services to the local community. The state and community response shall consider economic development, human service, and training needs of the community or communities impacted.

(3) The governor shall report at the beginning of the next legislative session to the legislature and the executive-legislative committee on economic development created by chapter . . . (Senate Bill No. 5300), Laws of 1993, as to the designation of a military impacted area. The report shall include recommendations regarding whether a military impacted area should become eligible for (a) funding provided by the community economic revitalization board, public facilities construction loan revolving account, Washington state development loan fund, basic health plan, the public works assistance account, department of community, trade, and economic development, employment security department, and department of transportation; (b) training for dislocated defense workers; or (c) services for dislocated defense workers.

**Sec. 62.** RCW 43.08.260 and 1992 c 54 s 4 are each amended to read as follows:

(1) Any money appropriated from the public safety and education account pursuant to RCW 43.08.250 for civil representation of indigent persons shall be used solely for the purpose of contracting with qualified legal aid programs for legal representation of indigent persons in matters relating to: (a) Domestic relations and family law matters, (b) public assistance, health care, and entitlement programs, (c) public housing and utilities, and (d) unemployment compensation. For purposes of this section, a "qualified legal aid program" means a not-for-profit corporation incorporated and operating exclusively in Washington which has received basic field funding for the provision of civil legal services to indigents under Public Law 101-515.

(2) Funds distributed to qualified legal aid programs under this section shall be distributed on a basis proportionate to the number of individuals with incomes below the official federal poverty income guidelines who reside within the counties in the geographic service areas of such programs. The department of community, trade, and economic development shall use the same formula for determining this distribution as is used by the legal services corporation in allocating funds for basic field services in the state of Washington.

(3)(a) Funds distributed to qualified legal aid programs under this section may not be used directly or indirectly for lobbying or in class action suits.

Further, these funds are subject to all limitations and conditions imposed on use of funds made available to legal aid programs under the legal services corporation act of 1974 (P.L. 93-355; P.L. 95-222) as currently in effect or hereafter amended.

(b)(i) For purposes of this section, "lobbying" means any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device directly or indirectly intended to influence any member of congress or any other federal, state, or local nonjudicial official, whether elected or appointed:

(A) In connection with any act, bill, resolution, or similar legislation by the congress of the United States or by any state or local legislative body, or any administrative rule, standard, rate, or other enactment by any federal, state, or local administrative agency;

(B) In connection with any referendum, initiative, constitutional amendment, or any similar procedure of the congress, any state legislature, any local council, or any similar governing body acting in a legislative capacity; or

(C) In connection with inclusion of any provision in a legislative measure appropriating funds to, or defining or limiting the functions or authority of, the recipient of funds pursuant to chapter 54, Laws of 1992.

(ii) "Lobbying" does not include the response of an employee of a legal aid program to a written request from a governmental agency, an elected or appointed official, or committee on a specific matter. This exception does not authorize communication with anyone other than the requesting party, or agent or employee of such agency, official, or committee.

**Sec. 63.** RCW 43.19.1920 and 1991 c 216 s 3 are each amended to read as follows:

The division of purchasing may donate state-owned, surplus, tangible personal property to shelters that are: Participants in the department of community, trade, and economic development's emergency shelter assistance program; and operated by nonprofit organizations or units of local government providing emergency or transitional housing for homeless persons. A donation may be made only if all of the following conditions have been met:

(1) The division of purchasing has made reasonable efforts to determine if any state agency has a requirement for such personal property and no such agency has been identified. Such determination shall follow sufficient notice to all state agencies to allow adequate time for them to make their needs known;

(2) The agency owning the property has authorized the division of purchasing to donate the property in accordance with this section;

(3) The nature and quantity of the property in question is directly germane to the needs of the homeless persons served by the shelter and the purpose for which the shelter exists and the shelter agrees to use the property for such needs and purposes; and

(4) The director of general administration has determined that the donation of such property is in the best interest of the state.

**Sec. 64.** RCW 43.19.19201 and 1993 c 461 s 7 are each amended to read as follows:

(1) The department of general administration shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory shall include the location, approximate size, and current zoning classification of the property. The department of general administration shall provide a copy of the inventory to the department of community, trade, and economic development by November 1, 1993, and every November 1 thereafter.

(2) By November 1 of each year, beginning in 1994, the department of general administration shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The department shall include an updated listing of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land.

**Sec. 65.** RCW 43.20A.037 and 1993 c 461 s 8 are each amended to read as follows:

(1) The department shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for very low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory shall include the location, approximate size, and current zoning classification of the property. The department shall provide a copy of the inventory to the department of community, trade, and economic development by November 1, 1993, and every November 1 thereafter.

(2) By November 1 of each year, beginning in 1994, the department shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The department shall include an updated listing of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land.

**Sec. 66.** RCW 43.21A.510 and 1985 c 466 s 51 are each amended to read as follows:

In order to assist the department of community, trade, and economic development in providing information to businesses interested in locating in Washington state, the department shall develop an environmental profile of the state. This profile shall identify the state's natural resources and describe how these assets are valuable to industry. Examples of information to be included are water resources and quality, air quality, and recreational opportunities related to natural resources.

**Sec. 67.** RCW 43.21A.515 and 1985 c 466 s 52 are each amended to read as follows:

In order to emphasize the importance of the state's environmental laws and regulations and to facilitate compliance with them, the department of ecology shall provide assistance to businesses interested in locating in Washington state. When the department of community, trade, and economic development receives a query from an interested business through its industrial marketing activities, it shall arrange for the department of ecology to provide information on the state's environmental laws and regulations and methods of compliance. This section shall facilitate compliance with state environmental laws and regulations and shall not weaken their application or effectiveness.

**Sec. 68.** RCW 43.21A.612 and 1988 c 127 s 11 are each amended to read as follows:

Before the director shall construct said steam generating facility within the state, or make application for any permit, license or other right necessary thereto, ~~((he))~~ the director shall give notice thereof by publishing once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which such project is located a statement of intention setting forth the general nature, extent and location of the project. If any public utility in the state or any operating agency desires to construct such facility, such utility or operating agency shall notify the director thereof within ten days after the last date of publication of such notice. If the director determines that it is in the best public interest that the director proceed with such construction rather than the public utility or operating agency, ~~((he))~~ the director shall so notify the director of community, trade, and economic development, who shall set a date for hearing thereon. If after considering the evidence introduced the director of community, trade, and economic development finds that the public utility or operating agency making the request intends to immediately proceed with such construction and is financially capable of carrying out such construction and further finds that the plan of such utility or operating agency is equally well adapted to serve the public interest, ~~((he))~~ the director shall enter an order so finding and such order shall divest the director of authority to proceed further with such construction or acquisition until such time as the other public utility or agency voluntarily causes an assignment of its right or interest in the project to the director or fails to procure any further required governmental permit, license or authority or having procured such, has the same revoked or withdrawn, in accordance with the laws and regulations of such governmental entity, in which event the director shall have the same authority to proceed as though the director had originally entered an order so authorizing the director to proceed. If, after considering the evidence introduced, the director of community, trade, and economic development finds that the public utility or agency making the request does not intend to immediately proceed with such construction or acquisition or is not financially capable of carrying out such construction or acquisition, or finds that the plan of such utility or operating agency is not equally well adapted to serve the public interest, ~~((he))~~ the director shall then enter an order so finding and authorizing the director to proceed with the construction or acquisition of the facility.

**Sec. 69.** RCW 43.22.495 and 1990 c 176 s 1 are each amended to read as follows:

Beginning on July 1, 1991, the department of community, trade, and economic 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, trade, and economic 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, trade, and economic development and the department of labor and industries shall immediately take such steps as are necessary to ensure that ~~((this act))~~ chapter 176, Laws of 1990 is implemented on June 7, 1990.

**Sec. 70.** RCW 43.23.035 and 1986 c 202 s 1 are each amended to read as follows:

The department of agriculture is hereby designated as the agency of state government for the administration and implementation of state agricultural market development programs and activities, both domestic and foreign, and shall, in addition to the powers and duties otherwise imposed by law, have the following powers and duties:

(1) To study the potential marketability of various agricultural commodities of this state in foreign and domestic trade;

(2) To collect, prepare, and analyze foreign and domestic market data;

(3) To establish a program to promote and assist in the marketing of Washington-bred horses: PROVIDED, That the department shall present a proposal to the legislature no later than December 1, 1986, that provides for the elimination of all state funding for the program after June 30, 1989;

(4) To encourage and promote the sale of Washington's agricultural commodities and products at the site of their production through the development and dissemination of referral maps and other means;

(5) To encourage and promote those agricultural industries, such as the wine industry, which attract visitors to rural areas in which other agricultural commodities and products are produced and are, or could be, made available for sale;

(6) To encourage and promote the establishment and use of public markets in this state for the sale of Washington's agricultural products;

(7) To maintain close contact with foreign firms and governmental agencies and to act as an effective intermediary between foreign nations and Washington traders;

(8) To publish and disseminate to interested citizens and others information which will aid in carrying out the purposes of chapters 43.23, 15.64, 15.65, and 15.66 RCW;

(9) To encourage and promote the movement of foreign and domestic agricultural goods through the ports of Washington;

(10) To conduct an active program by sending representatives to, or engaging representatives in, foreign countries to promote the state's agricultural commodities and products;

(11) To assist and to make Washington agricultural concerns more aware of the potentials of foreign trade and to encourage production of those commodities that will have high export potential and appeal;

(12) To coordinate the trade promotional activities of appropriate federal, state, and local public agencies, as well as civic organizations; and

(13) To develop a coordinated marketing program with the department of community, trade, and economic development, utilizing existing trade offices and participating in mutual trade missions and activities.

As used in this section, "agricultural commodities" includes products of both terrestrial and aquatic farming.

**Sec. 71.** RCW 43.31.093 and 1993 c 512 s 6 are each amended to read as follows:

The department of community, trade, and economic development shall contract with public and private agencies, institutions, and organizations to conduct entrepreneurial training courses for minority and women-owned small businesses. The instruction shall be intensive, practical training courses in financing, marketing, managing, accounting, and recordkeeping for a small business, with an emphasis on federal, state, local, or private programs available to assist small businesses. The business assistance center may recommend professional instructors, with practical knowledge and experience on how to start and operate a business, to teach the courses. Instruction shall be offered in major population centers throughout the state at times and locations which are convenient for minority and women small business owners and entrepreneurs.

**Sec. 72.** RCW 43.31.960 and 1987 c 195 s 10 are each amended to read as follows:

The principal proceeds from the sale of the bonds authorized in RCW 43.31.956 shall be administered by the director of community, trade, and economic development.

**\*Sec. 73.** RCW 43.43.710 and 1987 c 486 s 11 are each amended to read as follows:

*Information contained in the files and records of the section relative to the commission of any crime by any person shall be considered privileged and*



*shall not be made public or disclosed for any personal purpose or in any civil court proceedings except upon a written order of the judge of a court wherein such civil proceedings are had. All information contained in the files of the section relative to criminal records and personal histories of persons arrested for the commission of a crime shall be available to all criminal justice agencies and, for the sole purpose of investigating the cause of fires under RCW 48.48.060(2) where the cause is suspected to be arson, to the director of community, trade, and economic development, through the director of fire protection, upon the filing of an application as provided in RCW 43.43.705.*

*Although no application for information has been made to the section as provided in RCW 43.43.705, the section may transmit such information in the chief's discretion, to such agencies as are authorized by RCW 43.43.705 to make application for it.*

\*Sec. 73 was vetoed. Sec message at end of chapter.

**Sec. 74.** RCW 43.63A.465 and 1993 c 124 s 1 are each amended to read as follows:

The director of the department of community, trade, and economic development shall enforce manufactured housing safety and construction standards adopted by the secretary of housing and urban development under the National Manufactured Housing Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426). Furthermore, the director may make agreements with the United States government, state agencies, or private inspection organizations to implement the development and enforcement of applicable provisions of this chapter and the National Manufactured Housing Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) regarding the state administrative agency program.

**Sec. 75.** RCW 43.70.330 and 1990 c 253 s 2 are each amended 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, trade, and economic 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.

**Sec. 76.** RCW 43.70.540 and 1994 1st sp.s. c 7 s 201 are each amended to read as follows:

The legislature recognizes that the state patrol, the office of the administrator for the courts, the sheriffs' and police chiefs' association, the department of social and health services, the department of community, trade, and economic development, the sentencing guidelines commission, the department of corrections, and the superintendent of public instruction each have comprehensive data and analysis capabilities that have contributed greatly to our current understanding of crime and violence, and their causes.

The legislature finds, however, that a single health-oriented agency must be designated to provide consistent guidelines to all these groups regarding the way in which their data systems collect this important data. It is not the intent of the legislature by RCW 43.70.545 to transfer data collection requirements from existing agencies or to require the addition of major new data systems. It is rather the intent to make only the minimum required changes in existing data systems to increase compatibility and comparability, reduce duplication, and to increase the usefulness of data collected by these agencies in developing more accurate descriptions of violence.

**Sec. 77.** RCW 43.79.201 and 1991 sp.s. c 13 s 39 are each amended to read as follows:

(1) The charitable, educational, penal and reformatory institutions account is hereby created, in the state treasury, into which account there shall be deposited all moneys arising from the sale, lease or transfer of the land granted by the United States government to the state for charitable, educational, penal and reformatory institutions by section 17 of the enabling act, or otherwise set apart for such institutions, except all moneys arising from the sale, lease, or transfer of that certain one hundred thousand acres of such land assigned for the support of the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893.

(2) If feasible, not less than one-half of all income to the charitable, educational, penal, and reformatory institutions account shall be appropriated for the purpose of providing housing, including repair and renovation of state institutions, for persons who are mentally ill, developmentally disabled, or youth who are blind, deaf, or otherwise disabled. If moneys are appropriated for community-based housing, the moneys shall be appropriated to the department of community, trade, and economic development for the housing assistance program under chapter 43.185 RCW.

**Sec. 78.** RCW 43.83.184 and 1985 c 466 s 54 are each amended to read as follows:

For the purpose of acquiring land and providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, and furnishing, together with all improvements, enhancements, fixed equipment facilities of office buildings, parking facilities, and such other buildings, facilities, and utilities as are determined to be necessary to provide space including offices, committee rooms, hearing rooms, work rooms, and industrial-related space for

the legislature, for other elective officials, and such other state agencies as may be necessary, and for the purpose of land acquisitions by the department of transportation, grants and loans by the department of community, trade, and economic development, and facilities of the department of corrections and other state agencies, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of sixty-four million two hundred seventy thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds authorized in this section may be offered for sale without prior legislative appropriation.

**Sec. 79.** RCW 43.132.020 and 1984 c 125 s 16 are each amended to read as follows:

The director of financial management or the director's designee shall, in cooperation with appropriate legislative committees and legislative staff, establish a mechanism for the determination of the fiscal impact of proposed legislation which if enacted into law would directly or indirectly increase or decrease revenues received or expenditures incurred by counties, cities, towns, or any other political subdivisions of the state. The office of financial management shall, when requested by a member of the state legislature, report in writing as to such fiscal impact and said report shall be known as a "fiscal note".

Such fiscal notes shall indicate by fiscal year the total impact on the subdivisions involved for the first two years the legislation would be in effect and also a cumulative six year forecast of the fiscal impact. Where feasible and applicable, the fiscal note also shall indicate the fiscal impact on each individual county or on a representative sampling of cities, towns, or other political subdivisions.

A fiscal note as defined in this section shall be provided only upon request of any member of the state legislature. A legislator also may request that such a fiscal note be revised to reflect the impact of proposed amendments or substitute bills. Fiscal notes shall be completed within seventy-two hours of the request unless a longer time period is allowed by the requesting legislator. In the event a fiscal note has not been completed within seventy-two hours of a request, a daily report shall be prepared for the requesting legislator by the director of financial management which report summarizes the progress in preparing the fiscal note. If the request is referred to the director of community, trade, and economic development, the daily report shall also include the date and time such referral was made.

**Sec. 80.** RCW 43.132.030 and 1985 c 6 s 10 are each amended to read as follows:

The director of financial management is hereby empowered to designate the director of community, trade, and economic development as the official responsible for the preparation of fiscal notes authorized and required by this chapter. It is the intent of the legislature that when necessary the resources of

other state agencies, appropriate legislative staffs, and the various associations of local government may be employed in the development of such fiscal notes.

**Sec. 81.** RCW 43.133.030 and 1987 c 342 s 3 are each amended to read as follows:

The office of financial management and the department of community, trade, and economic development shall, in cooperation with appropriate legislative committees and legislative staff, establish a procedure for the provision of sunrise notes on the expected impact of bills and resolutions that authorize the creation of new boards and new types of special purpose districts.

**Sec. 82.** RCW 43.133.050 and 1987 c 342 s 5 are each amended to read as follows:

(1) The office of financial management shall prepare sunrise notes for legislation concerning the creation of new boards. The department of community, trade, and economic development shall prepare sunrise notes for legislation creating new types of special purpose districts.

(2) A sunrise note shall be prepared for all executive and agency request legislation that creates a board or special purpose district.

(3) The office of financial management or the department of community, trade, and economic development shall also provide a sunrise note at the request of any committee of the legislature.

**Sec. 83.** RCW 43.143.040 and 1989 1st ex.s. c 2 s 12 are each amended to read as follows:

Prior to September 1, 1994, the department of natural resources and the department of ecology, working together and at the direction of the joint select committee on marine and ocean resources, shall complete an analysis of the potential positive and negative impacts of the leasing of state-owned lands which is described in RCW 43.143.010(2). The department shall consult with the departments of (~~fisheries, wildlife, community development, and~~) fish and wildlife and community, trade, and economic development, and with the public, when preparing this analysis. The analysis shall be presented to the legislature no later than September 1, 1994. This analysis shall be used by the legislature in determining whether the oil and gas leasing moratorium contained in RCW 43.143.010 should be extended.

**Sec. 84.** RCW 43.150.040 and 1992 c 66 s 4 are each amended to read as follows:

The governor may establish a state-wide center for volunteerism and citizen service within the department of community, trade, and economic development and appoint an executive administrator, who may employ such staff as necessary to carry out the purposes of this chapter. The provisions of chapter 41.06 RCW do not apply to the executive administrator and the staff.

**Sec. 85.** RCW 43.155.020 and 1985 c 446 s 8 are each amended to read as follows:

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

(1) "Board" means the public works board created in RCW 43.155.030.

(2) "Department" means the department of community, trade, and economic development.

(3) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.

(4) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.

(5) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems.

(6) "Technical assistance" means training and other services provided to local governments to: (a) Help such local governments plan, apply, and qualify for loans and financing guarantees from the board, and (b) help local governments improve their ability to plan for, finance, acquire, construct, repair, replace, rehabilitate, and maintain public facilities.

**Sec. 86.** RCW 43.160.030 and 1993 c 320 s 2 are each amended to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of the chairman of and one minority member appointed by the speaker of the house of representatives from the committee (~~on trade, economic development, and housing~~) of the house of representatives that deals with issues of economic development, the chairman of and one minority member appointed by the president of the senate from the committee (~~on trade, technology, and economic development~~) of the senate that deals with issues of economic development, and the following members appointed by the governor: A recognized private or public sector economist; one port district official; one county official; one city official; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chair. Thereafter each succeeding term shall be for three years. The chair of the board shall be selected by the governor. The members of the board shall elect one of their members to serve as vice-chair. The director of

community, trade, and economic development, (~~the director of community development;~~) the director of revenue, the commissioner of employment security, and the secretary of transportation shall serve as nonvoting advisory members of the board.

(3) Staff support shall be provided by the department of community, trade, and economic development to assist the board in implementing this chapter and the allocation of private activity bonds.

(4) All appointive members of the board shall be compensated 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.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Any members of the board, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.05 RCW.

**Sec. 87.** RCW 43.160.115 and 1987 c 422 s 7 are each amended to read as follows:

In addition to its powers and duties under this chapter, the community economic revitalization board shall cooperate with the Washington state development loan fund committee in order to provide for coordination of their very similar programs. Under this chapter, it is the duty of the department of community, trade, and economic development and the board to financially assist the committee to the extent required by law. Funds appropriated to the board or the department of community, trade, and economic development for the use of the board shall be transferred to the department of community, trade, and economic development to the extent required by law.

**Sec. 88.** RCW 43.160.180 and 1987 c 422 s 9 are each amended to read as follows:

(1) There is hereby created the private activity bond subcommittee of the board.

(2) The subcommittee shall be primarily responsible for reviewing and making recommendations to the board on requests for certification and allocation pursuant to the provisions of chapter 39.86 RCW and as authorized by rules adopted by the board.

(3) The subcommittee shall consist of the following members: Six members of the board including: (a) The chair; (b) the county official; (c) the city official; (d) the port district official; (e) a legislator, appointed by the chair; and (f) the representative of the public. The members' terms shall coincide with their terms of appointment to the board.

(4) Staff support to the subcommittee shall be provided by the department of community, trade, and economic development.

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

(6) If a vacancy on the subcommittee occurs by death, resignation, failure to hold the office from which the member was appointed, or otherwise, the vacancy shall be filled through the procedures specified for filling the corresponding vacancy on the board.

Sec. 89. RCW 43.163.020 and 1990 c. 53 s 2 are each amended to read as follows:

The Washington economic development finance authority is established as a public body corporate and politic, with perpetual corporate succession, constituting an instrumentality of the state of Washington exercising essential governmental functions. The authority is a public body within the meaning of RCW 39.53.010.

The authority shall consist of eighteen members as follows: The director of the department of community, trade, and economic development, (~~the director of the department of community development,~~) the director of the department of agriculture, the state treasurer, one member from each caucus in the house of representatives appointed by the speaker of the house, one member from each caucus in the senate appointed by the president of the senate, and ten public members with one representative of women-owned businesses and one representative of minority-owned businesses and with at least three of the members residing east of the Cascades. The public members shall be residents of the state appointed by the governor on the basis of their interest or expertise in trade, agriculture or business finance or jobs creation and development. One of the public members shall be appointed by the governor as chair of the authority and shall serve as chair of the authority at the pleasure of the governor. The authority may select from its membership such other officers as it deems appropriate.

The term of the persons appointed by the governor as public members of the authority, including the public member appointed as chair, shall be four years from the date of appointment, except that the term of three of the initial appointees shall be for two years from the date of appointment and the term of four of the initial appointees shall be for three years from the date of appointment. The governor shall designate the appointees who will serve the two-year and three-year terms.

In the event of a vacancy on the authority due to death, resignation or removal of one of the public members, or upon the expiration of the term of one of the public members, the governor shall appoint a successor for the remainder of the unexpired term. If either of the state offices is abolished, the resulting vacancy on the authority shall be filled by the state officer who shall succeed substantially to the power and duties of the abolished office.

Any public member of the authority may be removed by the governor for misfeasance, malfeasance or willful neglect of duty after notice and a public hearing, unless such notice and hearing shall be expressly waived in writing by the affected public member.

The state officials serving in ex officio capacity may each designate an employee of their respective departments to act on their behalf in all respects with regard to any matter to come before the authority. Such designations shall be made in writing in such manner as is specified by the rules of the authority.

The members of the authority shall serve without compensation but shall be entitled to reimbursement, solely from the funds of the authority, for expenses incurred in the discharge of their duties under this chapter. The authority may borrow funds from the department for the purpose of reimbursing members for expenses; however, the authority shall repay the department as soon as practicable.

A majority of the authority shall constitute a quorum.

**Sec. 90.** RCW 43.163.060 and 1989 c 279 s 7 are each amended to read as follows:

(1) The authority is authorized to participate fully in federal and other governmental economic development finance programs and to take such actions as are necessary and consistent with this chapter to secure to itself and the people of the state the benefits of those programs and to meet their requirements.

(2) The authority shall coordinate its programs with those contributing to a common purpose found elsewhere in the departments of community, trade, and economic development, (~~community development~~), agriculture or employment security, or any other department or organization of, or affiliated with, the state or federal government, and shall avoid any duplication of such activities or programs provided elsewhere. The departments of community, trade, and economic development, (~~community development~~), agriculture, employment security and other relevant state agencies shall provide to the authority all reports prepared in the course of their ongoing activities which may assist in the identification of unmet capital financing needs by small-sized and medium-sized businesses in the state.

**Sec. 91.** RCW 43.165.010 and 1987 c 461 s 1 are each amended to read as follows:

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

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of the department.

(3) "Distressed area" means: (a) A county that has an unemployment rate that is twenty percent above the state-wide average for the previous three years; or (b) a community or area that has experienced sudden and severe or long-term and severe loss of employment, or erosion of its economic base due to decline of its dominant industries; or (c) an area within a county which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income



for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(4) "Economic development revolving loan funds" means a local, not-for-profit or governmentally sponsored business loan program.

(5) "Team" means the community revitalization team.

(6) "Technical assistance" includes, but is not limited to, assistance with strategic planning, market research, business plan development review, organization and management development, accounting and legal services, grant and loan packaging, and other assistance which may be expected to contribute to the redevelopment and economic well-being of a distressed area.

**Sec. 92.** RCW 43.168.031 and 1988 c 186 s 7 are each amended to read as follows:

The Washington state development loan fund committee shall be terminated on June 30, 1994, and its powers and duties transferred to the director of the department of community, trade, and economic development.

**Sec. 93.** RCW 43.170.020 and 1985 c 466 s 60 are each amended to read as follows:

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

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of community, trade, and economic development.

(3) "Program" means the small business innovators' opportunity program.

(4) "Inventor" or "innovator" means one who thinks of, imagines, or creates something new which may result in a device, contrivance, or process for the first time, through the use of the imagination or ingenious thinking and experimentation.

(5) "Proposal" means a plan provided by an inventor or innovator on an idea for an invention or an improvement.

(6) "Higher education" means any university, college, community college, or technical institute in this state.

**Sec. 94.** RCW 43.170.030 and 1985 c 466 s 61 are each amended to read as follows:

The department (~~(of trade and economic development)~~), in cooperation with institutions of higher education, shall establish as a pilot project a small business innovators' opportunity program to provide a professional research and counseling service on a user fee basis to inventors, innovators, and the business community.

The composition and organizational structure of the program shall be determined by the department in a manner which will foster the continuation of the program without state funding at the end of the pilot project established by this chapter. The department shall provide staff support for the program for the duration of the pilot project. The program shall:

- (1) Receive proposals from inventors and innovators;
- (2) Review proposals for accuracy and evaluate their prospects for marketability;
- (3) Cooperate with institutions of higher education to evaluate proposals for marketability, suitability for patent rights, and for the provision of professional research and counseling;
- (4) Provide assistance to the innovators and inventors as appropriate; and
- (5) Have the power to receive funds, contract with institutions of higher education, and carry out such other duties as are deemed necessary to implement this chapter.

The user fee shall be set by the director in an amount which is designed to recover the cost of the services provided.

**Sec. 95.** RCW 43.170.070 and 1989 c 312 s 9 are each amended to read as follows:

Any innovation or inventor receiving assistance under this program shall be referred to the investment opportunities office operated by the department (~~of trade and economic development~~).

**Sec. 96.** RCW 43.172.011 and 1993 c 512 s 16 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.172.020 through 43.172.110.

(1) "Approved surety company" means a surety company approved by the department for participation in providing direct bonding assistance to qualified contractors.

(2) "Bond" means any bond or security required for bid, payment, or performance of contracts.

(3) "Department" means the department of community, trade, and economic development.

(4) "Program" means the Washington state small business bonding assistance program provided for in this chapter.

(5) "Qualified contractor" means any resident minority business enterprise or women's business enterprise, as determined by the department to be consistent with the requirements of chapter 39.19 RCW and engaged in the contracting business, which has obtained a certificate of accreditation from the Washington state small business bonding assistance program.

**Sec. 97.** RCW 43.172.020 and 1993 c 512 s 17 are each amended to read as follows:

There is established within the department (~~(of trade and economic development)~~) the Washington state small business bonding assistance program to assist resident minority and women-owned small contracting businesses to acquire the managerial and financial skills, standards, and assistance necessary to enable them to obtain bid, payment, and performance bonds from surety companies for either advertised or designated contracts. The department shall implement the program by establishing a course of instruction as set forth in RCW 43.172.040. The department shall encourage surety companies and other private interests to help implement this course of instruction to assist minority and women-owned small contracting businesses. The department shall adopt rules to ensure the proper implementation of the program set forth in this chapter.

**Sec. 98.** RCW 43.180.040 and 1985 c 6 s 14 are each amended to read as follows:

(1) There is hereby established a public body corporate and politic, with perpetual corporate succession, to be known as the Washington state housing finance commission. The commission is an instrumentality of the state exercising essential government functions and, for purposes of the code, acts as a constituted authority on behalf of the state when it issues bonds pursuant to this chapter. The commission is a "public body" within the meaning of RCW 39.53.010.

(2) The commission shall consist of the following voting members:

- (a) The state treasurer, ex officio;
- (b) The director of community, trade, and economic development, ex officio;
- (c) An elected local government official, ex officio, with experience in local housing programs, who shall be appointed by the governor with the consent of the senate;
- (d) A representative of housing consumer interests, appointed by the governor with the consent of the senate;
- (e) A representative of labor interests, appointed by the governor, with the consent of the senate, after consultation with representatives of organized labor;
- (f) A representative of low-income persons, appointed by the governor with the consent of the senate;
- (g) Five members of the public appointed by the governor, with the consent of the senate, on the basis of geographic distribution and their expertise in housing, real estate, finance, energy efficiency, or construction, one of whom shall be appointed by the governor as chair of the commission and who shall serve on the commission and as chair of the commission at the pleasure of the governor.

The term of the persons appointed by the governor, other than the chair, shall be four years from the date of their appointment, except that the terms of three of the initial appointees shall be for two years from the date of their appointment. The governor shall designate the appointees who will serve the two-year terms. An appointee may be removed by the governor for cause

pursuant to RCW 43.06.070 and 43.06.080. The governor shall fill any vacancy in an appointed position by appointment for the remainder of the unexpired term. If the department of community development is abolished, the resulting vacancy shall be filled by a state official who shall be appointed to the commission by the governor. If this official occupies an office or position for which senate confirmation is not required, then his or her appointment to the commission shall be subject to the consent of the senate. The members of the commission shall be compensated in accordance with RCW 43.03.240 and may be reimbursed, solely from the funds of the commission, for expenses incurred in the discharge of their duties under this chapter, subject to the provisions of RCW 43.03.050 and 43.03.060. A majority of the commission constitutes a quorum. Designees shall be appointed in such manner and shall exercise such powers as are specified by the rules of the commission.

(3) The commission may adopt an official seal and may select from its membership a vice chair, a secretary, and a treasurer. The commission shall establish rules concerning its exercise of the powers authorized by this chapter. The rules shall be adopted in conformance with chapter 34.05 RCW.

**Sec. 99.** RCW 43.180.200 and 1986 c 264 s 3 are each amended to read as follows:

For purposes of the code:

(1) The legislature reserves the right at any time to alter or change the structure, organization, programs, or activities of the commission and to terminate the commission, so long as the action does not impair any outstanding contracts entered into by the commission;

(2) Any net earnings of the commission beyond that necessary to retire its bonds and to carry out the purposes of this chapter shall not inure to the benefit of any person other than the state;

(3) Upon dissolution of the commission, title to all of its remaining property shall vest in the state;

(4) The commission constitutes the only housing finance agency of the state of Washington; and

(5) In order to take advantage of the maximum amount of tax exempt bonds for housing financing available pursuant to the code, any state ceiling with respect to housing shall be allocated in accordance with the following formula:

(a) Eighty percent of the state ceiling shall be allocated to the commission and twenty percent shall be allocated to the other issuing authorities in the state.

(b) The allocation to the issuing authorities other than the commission shall be distributed to such issuing authorities in amounts as determined following public notice by the department of community, trade, and economic development pursuant to rules promulgated by it. The distribution shall be in response to applications received from such issuing authorities and shall be based on the following factors: (i) The amount of housing to be made available by such applicant; (ii) the population within the jurisdiction of the applicant; (iii) coordination with other applicable federal and state housing programs; (iv) the

likelihood of implementing the proposed financing during that year; and (v) consistency with the plan of the commission. On or before February 1 of each year, the department of community, trade, and economic development shall distribute the state ceiling allocation among such issuing authorities and any unused portion shall be added to the allocation of the commission. Each issuing authority other than the commission shall confirm its allocation distribution by providing to the department of community, trade, and economic development no later than June 1 a copy of an executed bond purchase contract or alternative documentation deemed sufficient by the commission to evidence the reasonable likelihood of the allocation distribution being fully used. Any portion of such allocation not so confirmed shall be added to the allocation of the commission on July 1. Prior to July 1, the commission shall provide written notice of the allocation decrease to the affected issuing authority. The reallocation shall not limit the authority of the commission to assign a portion of its allocation pursuant to subsection (5)(c) of this section.

(c) The commission may assign a portion of its allocation to another issuing agency.

**Sec. 100.** RCW 43.185.015 and 1991 c 356 s 2 are each amended to read as follows:

There is created within the department (~~(of community development)~~) the housing assistance program to carry out the purposes of this chapter.

**Sec. 101.** RCW 43.185.020 and 1986 c 298 s 3 are each amended to read as follows:

"Department" means the department of community, trade, and economic development. "Director" means the director of the department of community, trade, and economic development.

**Sec. 102.** RCW 43.185A.010 and 1991 c 356 s 10 are each amended to read as follows:

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

(1) "Affordable housing" means residential housing for rental or private individual ownership which, as long as the same is occupied by low-income households, requires payment of monthly housing costs, including utilities other than telephone, of no more than thirty percent of the family's income.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of the department of community, trade, and economic development.

(4) "First-time home buyer" means an individual or his or her spouse who have not owned a home during the three-year period prior to purchase of a home.

(5) "Low-income household" means a single person, family or unrelated persons living together whose adjusted income is less than eighty percent of the

median family income, adjusted for household size, for the county where the project is located.

**Sec. 103.** RCW 43.185A.020 and 1993 c 478 s 16 are each amended to read as follows:

The affordable housing program is created in the department (~~(of community development)~~) for the purpose of developing and coordinating public and private resources targeted to meet the affordable housing needs of low-income households in the state of Washington. The program shall be developed and administered by the department with advice and input from the affordable housing advisory board established in RCW 43.185B.020.

**Sec. 104.** RCW 43.185B.010 and 1993 c 478 s 4 are each amended to read as follows:

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

(1) "Affordable housing" means residential housing that is rented or owned by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of community, trade, and economic development.

(4) "Nonprofit organization" means any public or private nonprofit organization that: (a) Is organized under federal, state, or local laws; (b) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; and (c) has among its purposes significant activities related to the provision of decent housing that is affordable to very low-income, low-income, or moderate-income households and special needs populations.

(5) "Regulatory barriers to affordable housing" and "regulatory barriers" mean any public policies (including those embodied in statutes, ordinances, regulations, or administrative procedures or processes) required to be identified by the state or local government in connection with its strategy under section 105(b)(4) of the Cranston-Gonzalez national affordable housing act (42 U.S.C. 12701 et seq.).

(6) "Tenant-based organization" means a nonprofit organization whose governing body includes a majority of members who reside in the housing development and are considered low-income households.

**Sec. 105.** RCW 43.190.030 and 1988 c 119 s 2 are each amended to read as follows:

There is created the office of the state long-term care ombudsman. The department of community, trade, and economic development shall contract with a private nonprofit organization to provide long-term care ombudsman services as specified under, and consistent with, the federal older Americans act as amended, federal mandates, the goals of the state, and the needs of its citizens.

The department of community, trade, and economic development shall ensure that all program and staff support necessary to enable the ombudsman to effectively protect the interests of residents, patients, and clients of all long-term care facilities is provided by the nonprofit organization that contracts to provide long-term care ombudsman services. The long-term care ombudsman program shall have the following powers and duties:

(1) To provide services for coordinating the activities of long-term care ombudsmen throughout the state;

(2) Carry out such other activities as the department of community, trade, and economic development deems appropriate;

(3) Establish procedures consistent with RCW 43.190.110 for appropriate access by long-term care ombudsmen to long-term care facilities and patients' records, including procedures to protect the confidentiality of the records and ensure that the identity of any complainant or resident will not be disclosed without the written consent of the complainant or resident, or upon court order;

(4) Establish a state-wide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities for the purpose of identifying and resolving significant problems, with provision for submission of such data to the department of social and health services and to the federal department of health and human services, or its successor agency, on a regular basis; and

(5) Establish procedures to assure that any files maintained by ombudsman programs shall be disclosed only at the discretion of the ombudsman having authority over the disposition of such files, except that the identity of any complainant or resident of a long-term care facility shall not be disclosed by such ombudsman unless:

(a) Such complainant or resident, or the complainant's or resident's legal representative, consents in writing to such disclosure; or

(b) Such disclosure is required by court order.

**Sec. 106.** RCW 43.210.030 and 1991 c 314 s 15 are each amended to read as follows:

The small business export finance assistance center and its branches shall be governed and managed by a board of nineteen directors appointed by the governor and confirmed by the senate. The directors shall serve terms of six years except that two of the original directors shall serve for two years and two of the original directors shall serve for four years. The directors may provide for the payment of their expenses. The directors shall include a representative of a not-for-profit corporation formed for the purpose of facilitating economic development, at least two representatives of state financial institutions engaged in the financing of export transactions, a representative of a port district, and a representative of organized labor. Of the remaining board members, there shall be one representative of business from the area west of Puget Sound, one representative of business from the area east of Puget Sound and west of the Cascade range, one representative of business from the area east of the Cascade

range and west of the Columbia river, one representative of business from the area east of the Columbia river, the director of the department of community, trade, and economic development, and the director of the department of agriculture. One of the directors shall be a representative of the public selected from the area in the state west of the Cascade mountain range and one director shall be a representative of the public selected from that area of the state east of the Cascade mountain range. One director shall be a representative of the public at large. The directors shall be broadly representative of geographic areas of the state, and the representatives of businesses shall represent at least four different industries in different sized businesses as follows: (a) One representative of a company employing fewer than one hundred persons; (b) one representative of a company employing between one hundred and five hundred persons; (c) one representative of a company employing more than five hundred persons; (d) one representative from an export management company; and (e) one representative from an agricultural or food processing company. Any vacancies on the board due to the expiration of a term or for any other reason shall be filled by appointment by the governor for the unexpired term.

**Sec. 107.** RCW 43.210.050 and 1991 c 314 s 16 are each amended to read as follows:

The small business export finance assistance center formed under RCW 43.210.020 and 43.210.030 shall enter into a contract under this chapter with the department of community, trade, and economic development or its statutory successor. The contract shall require the center to provide export assistance services, consistent with RCW 43.210.070 and 43.210.100 through 43.210.120, shall have a duration of two years, and shall require the center to aggressively seek to fund its continued operation from nonstate funds. The contract shall also require the center to report annually to the department on its success in obtaining nonstate funding. Upon expiration of the contract, any provisions within the contract applicable to the Pacific Northwest export assistance project shall be automatically renewed without change provided the legislature appropriates funds for administration of the small business export assistance center and the Pacific Northwest export assistance project. The provisions of the contract related to the Pacific Northwest export assistance project may be changed at any time if the director of the department of community, trade, and economic development or the president of the small business export finance assistance center present compelling reasons supporting the need for a contract change to the board of directors and a majority of the board of directors agrees to the changes. The department of agriculture shall be included in the contracting negotiations with the department of community, trade, and economic development and the small business export finance assistance center when the Pacific Northwest export assistance project provides export services to industrial sectors within the administrative domain of the Washington state department of agriculture. The department of community, trade, and economic development, the small business export finance assistance center, and, if appropriate, the department of agricul-



ture, shall report annually, as one group, to the appropriate legislative oversight committees on the progress of the Pacific Northwest export assistance project.

**Sec. 108.** RCW 43.210.060 and 1985 c 466 s 65 are each amended to read as follows:

The department of community, trade, and economic development or its statutory successor shall adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter.

**Sec. 109.** RCW 43.210.070 and 1991 c 314 s 14 are each amended to read as follows:

The small business export finance assistance center fund is created in the custody of the state treasurer. Expenditures from the fund may be used only for the purposes of funding the services of the small business export finance assistance center and its projects under this chapter. Only the director of the department of community, trade, and economic development or the director's designee may authorize expenditures from the fund. The director of the department of community, trade, and economic development shall not withhold funds appropriated for the administration of the small business export finance assistance center and its projects, if the small business export finance assistance center complies with the provisions of its contract under RCW 43.210.050 and 43.210.100. Funding appropriated by the state of Washington shall not be used to provide services to other states or provinces. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

**Sec. 110.** RCW 43.210.100 and 1991 c 314 s 11 are each amended to read as follows:

(1) The Pacific Northwest export assistance project is hereby created for the following purposes:

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

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

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

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

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

**Sec. 111.** RCW 43.210.120 and 1991 c 314 s 13 are each amended to read as follows:

The department of community, trade, and economic development shall adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of RCW 43.210.070 and 43.210.100 through 43.210.120.

**Sec. 112.** RCW 43.220.070 and 1990 c 71 s 2 are each amended to read as follows:

(1) Conservation corps members shall be unemployed residents of the state between eighteen and twenty-five years of age at the time of enrollment who are citizens or lawful permanent residents of the United States. The age requirements may be waived for corps leaders and specialists with special leadership or occupational skills; such members shall be given special responsibility for providing leadership, character development, and sense of community responsibility to the corps members, groups, and work crews to which they are assigned. The upper age requirement may be waived for residents who have a sensory or mental handicap. Special effort shall be made to recruit minority and disadvantaged youth who meet selection criteria of the conservation corps. Preference shall be given to youths residing in areas, both urban and rural, in which there exists substantial unemployment exceeding the state average unemployment rate.

(2) The legislature finds that people with developmental disabilities would benefit from experiencing a meaningful work experience, and learning the value of labor and of membership in a productive society.

The legislature urges state agencies that are participating in the Washington conservation corps program to consider for enrollment in the program people who have developmental disabilities, as defined in RCW 71A.10.020.

If an agency chooses to enroll people with developmental disabilities in its Washington conservation corps program, the agency may apply to the United States department of labor, employment standards administration for a special subminimum wage certificate in order to be allowed to pay enrollees with developmental disabilities according to their individual levels of productivity.

(3) Corps members shall not be considered state employees. Other provisions of law relating to civil service, hours of work, rate of compensation, sick leave, unemployment compensation, state retirement plans, and vacation leave do not apply to the Washington conservation corps except for the crew leaders, who shall be project employees, and the administrative and supervisory personnel.

(4) Enrollment shall be for a period of six months which may be extended for an additional six months by mutual agreement of the corps and the corps member. Corps members shall be reimbursed at the minimum wage rate established by state or federal law, whichever is higher: PROVIDED, That if agencies elect to run a residential program, the appropriate costs for room and board shall be deducted from the corps member's paycheck as provided in chapter 43.220 RCW.

(5) Corps members are to be available at all times for emergency response services coordinated through the department of community, trade, and economic development or other public agency. Duties may include sandbagging and flood cleanup, search and rescue, and other functions in response to emergencies.

**Sec. 113.** RCW 43.280.020 and 1990 c 3 s 1203 are each amended to read as follows:

There is established in the department of community, trade, and economic development a grant program to enhance the funding for treating the victims of sex offenders. Activities that can be funded through this grant program are limited to those that:

- (1) Provide effective treatment to victims of sex offenders;
- (2) Increase access to and availability of treatment for victims of sex offenders, particularly if from underserved populations; and
- (3) Create or build on efforts by existing community programs, coordinate those efforts, or develop cooperative efforts or other initiatives to make the most effective use of resources to provide treatment services to these victims.

Funding priority shall be given to those applicants that represent well-established existing programs and applicants that represent new programs that are being created in geographic areas where no programs presently exist.

**Sec. 114.** RCW 43.280.060 and 1990 c 3 s 1207 are each amended to read as follows:

(1) Subject to funds appropriated by the legislature, the department of community, trade, and economic development shall make awards under the grant program established by RCW 43.280.020.

(2) Awards shall be made competitively based on the purposes of and criteria in this chapter.

(3) To aid the department of community, trade, and economic development in making its determination, the department shall form a peer review committee comprised of the executive administrator for the crime victims' advocacy office and individuals who have experience in the treatment of victims of predatory violent sex offenders. The peer review committee shall advise the department on the extent to which each eligible applicant meets the purposes and criteria of this chapter. The department shall consider this advice in making awards.

(4) Activities funded under this section may be considered for funding in future years, but shall be considered under the same terms and criteria as new

activities. Funding under this chapter shall not constitute an obligation by the state of Washington to provide ongoing funding.

**Sec. 115.** RCW 43.280.070 and 1990 c 3 s 1208 are each amended to read as follows:

The department of community, trade, and economic development may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

**Sec. 116.** RCW 43.310.020 and 1993 c 497 s 4 are each amended to read as follows:

(1) The department of community, trade, and economic development may recommend existing programs or contract with either school districts or community organizations, or both, through a request for proposal process for the development, administration, and implementation in the county of community-based gang risk prevention and intervention pilot programs.

(2) Proposals by the school district for gang risk prevention and intervention pilot program grant funding shall begin with school years no sooner than the 1994-95 session, and last for a duration of two years.

(3) The school district or community organization proposal shall include:

(a) A description of the program goals, activities, and curriculum. The description of the program goals shall include a list of measurable objectives for the purpose of evaluation by the department of community, trade, and economic development. To the extent possible, proposals shall contain empirical data on current problems, such as drop-out rates and occurrences of violence on and off campus by school-age individuals.

(b) A description of the individual school or schools and the geographic area to be affected by the program.

(c) A demonstration of broad-based support for the program from business and community organizations.

(d) A clear description of the experience, expertise, and other qualifications of the community organizations to conduct an effective prevention and intervention program in cooperation with a school or a group of schools.

(e) A proposed budget for expenditure of the grant.

(4) Grants awarded under this section may not be used for the administrative costs of the school district or the individual school.

**Sec. 117.** RCW 46.12.295 and 1990 c 176 s 3 are each amended 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, trade, and economic 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, trade, and economic development. The

directors of the departments may immediately take such steps as are necessary to ensure that ~~((this act))~~ chapter 176, Laws of 1990 is implemented on June 7, 1990.

**\*Sec. 118. RCW 46.16.340 and 1986 c 266 s 49 are each amended to read as follows:**

*The director, from time to time, shall furnish the ~~((state))~~ department of community, trade, and economic development, the Washington state patrol, and all county sheriffs a list of the names, addresses, and license plate or radio station call letters of each person possessing the special amateur radio station license plates so that the facilities of such radio stations may be utilized to the fullest extent in the work of these governmental agencies.*

\*Sec. 118 was vetoed. See message at end of chapter.

**\*Sec. 119. RCW 46.37.467 and 1986 c 266 s 88 are each amended to read as follows:**

*(1) Every automobile, truck, motorcycle, motor home, or off-road vehicle that is fueled by an alternative fuel source shall bear a reflective placard issued by the national fire protection association indicating that the vehicle is so fueled. Violation of this subsection is a traffic infraction.*

*(2) As used in this section "alternative fuel source" includes propane, compressed natural gas, liquid petroleum gas, or any chemically similar gas but does not include gasoline or diesel fuel.*

*(3) If a placard for a specific alternative fuel source has not been issued by the national fire protection association, a placard issued by the director of community, trade, and economic development, through the director of fire protection, shall be required. The director of community, trade, and economic development, through the director of fire protection, shall develop rules for the design, size, and placement of the placard which shall remain effective until a specific placard is issued by the national fire protection association.*

\*Sec. 119 was vetoed. See message at end of chapter.

**Sec. 120. RCW 47.06.110 and 1993 c 446 s 11 are each amended to read as follows:**

The state-interest component of the state-wide multimodal transportation plan shall include a state public transportation plan that:

(1) Articulates the state vision of an interest in public transportation and provides quantifiable objectives, including benefits indicators;

(2) Identifies the goals for public transit and the roles of federal, state, regional, and local entities in achieving those goals;

(3) Recommends mechanisms for coordinating state, regional, and local planning for public transportation;

(4) Recommends mechanisms for coordinating public transportation with other transportation services and modes;

(5) Recommends criteria, consistent with the goals identified in subsection (2) of this section and with RCW 82.44.180 (2) and (3), for existing federal authorizations administered by the department to transit agencies; and

(6) Recommends a state-wide public transportation facilities and equipment management system as required by federal law.

In developing the state public transportation plan, the department shall involve local jurisdictions, public and private providers of transportation services, nonmotorized interests, and state agencies with an interest in public transportation, including but not limited to the departments of community, trade, and economic development, social and health services, and ecology, the state energy office, the office of the superintendent of public instruction, the office of the governor, and the office of financial management.

The department shall submit an initial report to the legislative transportation committee by December 1, 1993, and shall provide annual reports summarizing the plan's progress each year thereafter.

**Sec. 121.** RCW 47.12.064 and 1993 c 461 s 10 are each amended to read as follows:

(1) The department shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory shall include the location, approximate size, and current zoning classification of the property. The department shall provide a copy of the inventory to the department of community, trade, and economic development by November 1, 1993, and every November 1 thereafter.

(2) By November 1 of each year, beginning in 1994, the department shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The department shall include an updated listing of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land.

**Sec. 122.** RCW 47.39.040 and 1985 c 6 s 16 are each amended to read as follows:

The establishment of planning and design standards for items provided for in RCW 47.39.050 shall be coordinated by the ((state)) department of community, trade, and economic development. The department of transportation, parks and recreation commission, and any other departments or commissions whose interests are affected shall prepare, submit, and file with the ((state)) department of community, trade, and economic development standards relating to the scenic and recreational highway system. If varying planning and design standards are filed, the ((state)) department of community, trade, and economic development shall consult with the submitting agencies on the merits of the several proposals and, based upon such consultation, establish a set of standards. Pursuant to the planning and design standards so established, the department of transportation

and the parks and recreation commission shall develop the highways and areas adjacent thereto to accomplish the purposes of this chapter, but the department shall retain exclusive authority over the highway right of way.

Responsibility for construction and maintenance is hereby established between the department and the parks and recreation commission with the department responsible for activities financed with funds provided for under RCW 47.39.030(1) and the parks and recreation commission responsible for activities financed from other sources of funds. By mutual consent, responsibility for development and/or maintenance may be transferred between the two agencies.

**Sec. 123.** RCW 47.39.090 and 1993 c 430 s 9 are each amended to read as follows:

In developing the scenic and recreational highways program, the department shall consult with the department of community, trade, and economic development, (~~the department of community development,~~) the department of natural resources, the parks and recreation commission, affected cities, towns, and counties, regional transportation planning organizations, state-wide bicycling organizations, and other interested parties. The scenic and recreational highways program may identify entire highway loops or similar tourist routes that could be developed to promote tourist activity and provide concurrent economic growth while protecting the scenic and recreational quality surrounding state highways.

**Sec. 124.** RCW 47.50.090 and 1991 c 202 s 9 are each amended to read as follows:

(1) The department shall develop, adopt, and maintain an access control classification system for all routes on the state highway system, the purpose of which shall be to provide for the implementation and continuing applications of the provision of this chapter.

(2) The principal component of the access control classification system shall be access management standards, the purpose of which shall be to provide specific minimum standards to be adhered to in the planning for and approval of access to state highways.

(3) The control classification system shall be developed consistent with the following:

(a) The department shall, no later than January 1, 1993, adopt rules setting forth procedures governing the implementation of the access control classification system required by this chapter. The rule shall provide for input from the entities described in (b) of this subsection as well as for public meetings to discuss the access control classification system. Nothing in this chapter shall affect the validity of the department's existing or subsequently adopted rules concerning access to the state highway system. Such rules shall remain in effect until repealed or replaced by the rules required by this chapter.

(b) The access control classification system shall be developed in cooperation with counties, cities and towns, the (~~state~~) department of community, trade,

and economic development, regional transportation planning organizations, and other local governmental entities, and for city streets designated as state highways pursuant to chapter 47.24 RCW, adopted with the concurrence of the city design standards committee.

(c) The rule required by this section shall provide that assignment of a road segment to a specific access category be made in consideration of the following criteria:

- (i) Local land use plans and zoning, as set forth in comprehensive plans;
- (ii) The current functional classification as well as potential future functional classification of each road on the state highway system;
- (iii) Existing and projected traffic volumes;
- (iv) Existing and projected state, local, and metropolitan planning organization transportation plans and needs;
- (v) Drainage requirements;
- (vi) The character of lands adjoining the highway;
- (vii) The type and volume of traffic requiring access;
- (viii) Other operational aspects of access;
- (ix) The availability of reasonable access by way of county roads and city streets to a state highway; and

(x) The cumulative effect of existing and projected connections on the state highway system's ability to provide for the safe and efficient movement of people and goods within the state.

(d) Access management standards shall include, but not be limited to, connection location standards, safety factors, design and construction standards, desired levels of service, traffic control devices, and effective maintenance of the roads. The standards shall also contain minimum requirements for the spacing of connections, intersecting streets, roads, and highways.

(e) An access control category shall be assigned to each segment of the state highway system by July 1, 1993.

**\*Sec. 125. RCW 47.76.230 and 1990 c 43 s 3 are each amended to read as follows:**

**(1) The department of transportation shall continue its responsibility for the development and implementation of the state rail plan and programs, and the utilities and transportation commission shall continue its responsibility for intrastate rates, service, and safety issues.**

**(2) The department of transportation shall maintain an enhanced data file on the rail system. Proprietary annual station traffic data from each railroad and the modal use of major shippers shall be obtained to the extent that such information is available.**

**(3) The department of transportation shall provide technical assistance, upon request, to state agencies and local interests. Technical assistance includes, but is not limited to, the following:**



(a) *Abandonment cost-benefit analyses, to include the public and private costs and benefits of maintaining the service, providing alternative service including necessary road improvement costs, or of taking no action;*

(b) *Assistance in the formation of county rail districts and port districts; and*

(c) *Feasibility studies for rail service continuation and/or rail service assistance.*

(4) *With funding authorized by the legislature, the department of transportation shall develop a cooperative process to conduct community and business information programs and to regularly disseminate information on rail matters. The following agencies and jurisdictions shall be involved in the process:*

(a) *The ~~((state departments))~~ department of community, trade, and economic development ~~((and trade and economic development));~~*

(b) *Local jurisdictions and local economic development agencies; and*

(c) *Other interested public and private organizations.*

\*Sec. 125 was vetoed. See message at end of chapter.

*\*Sec. 126. RCW 48.05.320 and 1986 c 266 s 66 are each amended to read as follows:*

(1) *Each authorized insurer shall promptly report to the director of community, trade, and economic development, through the director of fire protection, upon forms as prescribed and furnished by him or her, each fire loss of property in this state reported to it and whether the loss is due to criminal activity or to undetermined causes.*

(2) *Each such insurer shall likewise report to the director of community, trade, and economic development, through the director of fire protection, upon claims paid by it for loss or damage by fire in this state. Copies of all reports required by this section shall be promptly transmitted to the state insurance commissioner.*

\*Sec. 126 was vetoed. See message at end of chapter.

*\*Sec. 127. RCW 48.48.030 and 1986 c 266 s 67 are each amended to read as follows:*

(1) *The director of community, trade, and economic development, through the director of fire protection or his or her authorized deputy, shall have authority at all times of day and night, in the performance of duties imposed by this chapter, to enter upon and examine any building or premises where any fire has occurred and other buildings and premises adjoining or near thereto.*

(2) *The director of community, trade, and economic development, through the director of fire protection or his or her authorized deputy, shall have authority at any reasonable hour to enter into any public building or premises or any building or premises used for public purposes to inspect for fire hazards.*

\*Sec. 127 was vetoed. See message at end of chapter.

*\*Sec. 128. RCW 48.48.040 and 1986 c 266 s 68 are each amended to read as follows:*

*(1) The director of community, trade, and economic development, through the director of fire protection or his or her authorized deputy, shall have authority to enter upon all premises and into all buildings except private dwellings for the purpose of inspection to ascertain if any fire hazard exists, and to require conformance with minimum standards for the prevention of fire and for the protection of life and property against fire and panic as to use of premises, and may adopt by reference nationally recognized standards applicable to local conditions.*

*(2) The director of community, trade, and economic development, through the director of fire protection or his or her authorized deputy, may, upon request by the chief fire official or the local governing body or of taxpayers of such area, assist in the enforcement of any such code.*

*\*Sec. 128 was vetoed. See message at end of chapter.*

*\*Sec. 129. RCW 48.48.050 and 1986 c 266 s 70 are each amended to read as follows:*

*(1) If the director of community, trade, and economic development, through the director of fire protection or his or her authorized deputy, finds in any building or premises subject to their inspection under this chapter, any combustible material or flammable conditions or fire hazards dangerous to the safety of the building, premises, or to the public, he or she shall by written order require such condition to be remedied, and such order shall forthwith be complied with by the owner or occupant of the building or premises.*

*(2) An owner or occupant aggrieved by any such order made by the director of community, trade, and economic development, through the director of fire protection or his or her deputy, may appeal such order pursuant to chapter 34.05 RCW. If the order is confirmed, the order shall remain in force and be complied with by the owner or occupant.*

*(3) Any owner or occupant failing to comply with any such order not appealed from or with any order so confirmed shall be punishable by a fine of not less than ten dollars nor more than fifty dollars for each day such failure exists.*

*\*Sec. 129 was vetoed. See message at end of chapter.*

*\*Sec. 130. RCW 48.48.060 and 1986 c 266 s 71 are each amended to read as follows:*

*(1) The chief of each organized fire department, the sheriff or other designated county official, and the designated city or town official shall investigate the cause, origin, and extent of loss of all fires occurring within their respective jurisdictions, as determined by this subsection, and shall forthwith notify the director of community, trade, and economic development, through the director of fire protection, of all fires of criminal, suspected, or undetermined cause occurring within their respective jurisdictions. The county fire marshal shall also be notified of and investigate all such fires occurring*

*in unincorporated areas of the county. Fire departments shall have the responsibility imposed by this subsection for areas within their jurisdictions. Sheriffs or other designated county officials shall have responsibility imposed by this subsection for county areas not within the jurisdiction of a fire department, unless such areas are within the boundaries of a city or town, in which case the designated city or town official shall have the responsibility imposed by this subsection. For the purposes of this subsection, county officials shall be designated by the county legislative authority, and city or town officials shall be designated by the appropriate city or town legislative or executive authority. In addition to the responsibility imposed by this subsection, any sheriff or chief of police may assist in the investigation of the cause, origin, and extent of loss of all fires occurring within his or her respective jurisdiction.*

*(2) The director of community, trade, and economic development, through the director of fire protection or his or her deputy, may investigate any fire for the purpose of determining its cause, origin, and the extent of the loss. The director of community, trade, and economic development, through the director of fire protection or his or her deputy, shall assist in the investigation of those fires of criminal, suspected, or undetermined cause when requested by the reporting agency. In the investigation of any fire of criminal, suspected, or undetermined cause, the director of community, trade, and economic development and the director of fire protection or his or her deputy, are vested with police powers to enforce the laws of this state. To exercise these powers, authorized deputies must receive prior written authorization from the director of community, trade, and economic development, through the director of fire protection, and shall have completed a course of training prescribed by the Washington state criminal justice training commission.*

*\*Sec. 130 was vetoed. See message at end of chapter.*

*\*Sec. 131. RCW 48.48.065 and 1986 c 266 s 72 are each amended to read as follows:*

*(1) The chief of each organized fire department, or the sheriff or other designated county official having jurisdiction over areas not within the jurisdiction of any fire department, shall report statistical information and data to the director of community, trade, and economic development, through the director of fire protection, on each fire occurring within the official's jurisdiction. Reports shall be consistent with the national fire incident reporting system developed by the United States fire administration and rules established by the director of community, trade, and economic development, through the director of fire protection. The director of community, trade, and economic development, through the director of fire protection, and the department of natural resources shall jointly determine the statistical information to be reported on fires on land under the jurisdiction of the department of natural resources.*

*(2) The director of community, trade, and economic development, through the director of fire protection, shall analyze the information and data reported, compile a report, and distribute a copy annually by January 31 to each chief fire official in the state. Upon request, the director of community, trade, and economic development, through the director of fire protection, shall also furnish a copy of the report to any other interested person at cost.*

*\*Sec. 131 was vetoed. See message at end of chapter.*

*\*Sec. 132. RCW 48.48.070 and 1986 c 266 s 73 are each amended to read as follows:*

*In the conduct of any investigation into the cause, origin, or loss resulting from any fire, the director of community, trade, and economic development and the director of fire protection shall have the same power and rights relative to securing the attendance of witnesses and the taking of testimony under oath as is conferred upon the insurance commissioner under RCW 48.03.070. False swearing by any such witness shall be deemed to be perjury and shall be subject to punishment as such.*

*\*Sec. 132 was vetoed. See message at end of chapter.*

*\*Sec. 133. RCW 48.48.080 and 1986 c 266 s 74 are each amended to read as follows:*

*If as the result of any such investigation, or because of any information received, the director of community, trade, and economic development, through the director of fire protection, is of the opinion that there is evidence sufficient to charge any person with any crime, he or she may cause such person to be arrested and charged with such offense, and shall furnish to the prosecuting attorney of the county in which the offense was committed, the names of witnesses and all pertinent and material evidence and testimony within his or her possession relative to the offense.*

*\*Sec. 133 was vetoed. See message at end of chapter.*

*\*Sec. 134. RCW 48.48.090 and 1986 c 266 s 75 are each amended to read as follows:*

*The director of community, trade, and economic development, through the director of fire protection, shall keep on file all reports of fires made to him or her pursuant to this code. Such records shall at all times during business hours be open to public inspection; except, that any testimony taken in a fire investigation may, in the discretion of the director of community, trade, and economic development, through the director of fire protection, be withheld from public scrutiny. The director of community, trade, and economic development, through the director of fire protection, may destroy any such report after five years from its date.*

*\*Sec. 134 was vetoed. See message at end of chapter.*

*\*Sec. 135. RCW 48.48.110 and 1986 c 266 s 76 are each amended to read as follows:*

*The director of community, trade, and economic development, through the director of fire protection, shall submit annually a report to the governor of this state. The report shall contain a statement of his or her official acts pursuant to this chapter.*

\*Sec. 135 was vetoed. See message at end of chapter.

*\*Sec. 136. RCW 48.48.140 and 1991 c 154 s 1 are each amended to read as follows:*

*(1) Smoke detection devices shall be installed inside all dwelling units:*

*(a) Occupied by persons other than the owner on and after December 31, 1981; or*

*(b) Built or manufactured in this state after December 31, 1980.*

*(2) The smoke detection devices shall be designed, manufactured, and installed inside dwelling units in conformance with:*

*(a) Nationally accepted standards; and*

*(b) As provided by the administrative procedure act, chapter 34.05 RCW, rules and regulations promulgated by the director of community, trade, and economic development, through the director of fire protection.*

*(3) Installation of smoke detection devices shall be the responsibility of the owner. Maintenance of smoke detection devices, including the replacement of batteries where required for the proper operation of the smoke detection device, shall be the responsibility of the tenant, who shall maintain the device as specified by the manufacturer. At the time of a vacancy, the owner shall insure that the smoke detection device is operational prior to the reoccupancy of the dwelling unit.*

*(4) Any owner or tenant failing to comply with this section shall be punished by a fine of not more than two hundred dollars.*

*(5) For the purposes of this section:*

*(a) "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation; and*

*(b) "Smoke detection device" means an assembly incorporating in one unit a device which detects visible or invisible particles of combustion, the control equipment, and the alarm-sounding device, operated from a power supply either in the unit or obtained at the point of installation.*

\*Sec. 136 was vetoed. See message at end of chapter.

*\*Sec. 137. RCW 48.48.150 and 1986 c 266 s 90 are each amended to read as follows:*

*(1) All premises guarded by guard animals, which are animals professionally trained to defend and protect premises or the occupants of the premises, shall be registered with the local fire department. Front entrances to residences and all entrances to business premises shall be posted in a visible location with signs approved by the director of community, trade, and economic development, through the director of fire protection, indicating that guard animals are present.*

(2) A fire fighter, who reasonably believes that his or her safety is endangered by the presence of a guard animal, may without liability: (a) Refuse to enter the premises, or (b) take any reasonable action necessary to protect himself or herself from attack by the guard animal.

(3) If the person responsible for the guard animal being on the premises does not comply with subsection (1) of this section, that person may be held liable for any injury to the fire fighter caused by the presence of the guard animal.

\*Sec. 137 was vetoed. See message at end of chapter.

\*Sec. 138. RCW 48.50.020 and 1986 c 266 s 77 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) "Authorized agency" means a public agency or its official representative having legal authority to investigate the cause of a fire and to initiate criminal proceedings or further investigations if the cause was not accidental, including the following persons and agencies:

(a) The director of community, trade, and economic development and the director of fire protection;

(b) The prosecuting attorney of the county where the fire occurred;

(c) The state attorney general, when engaged in a prosecution which is or may be connected with the fire;

(d) The Federal Bureau of Investigation, or any other federal agency; and

(e) The United States attorney's office when authorized or charged with investigation or prosecution concerning the fire.

(2) "Insurer" means any insurer, as defined in RCW 48.01.050, which insures against loss by fire, and includes insurers under the Washington F.A.I.R. plan.

(3) "Relevant information" means information having any tendency to make the existence of any fact that is of consequence to the investigation or determination of the cause of any fire more probable or less probable than it would be without the information.

\*Sec. 138 was vetoed. See message at end of chapter.

\*Sec. 139. RCW 48.50.040 and 1986 c 266 s 91 are each amended to read as follows:

(1) When an insurer has reason to believe that a fire loss reported to the insurer may be of other than accidental cause, the insurer shall notify the director of community, trade, and economic development, through the director of fire protection, in the manner prescribed under RCW 48.05.320 concerning the circumstances of the fire loss, including any and all relevant material developed from the insurer's inquiry into the fire loss.

(2) Notification of the director of community, trade, and economic development, through the director of fire protection, under subsection (1) of

*this section does not relieve the insurer of the duty to respond to a request for information from any other authorized agency.*

*\*Sec. 139 was vetoed. See message at end of chapter.*

*\*Sec. 140. RCW 48.53.020 and 1986 c 266 s 92 are each amended to read as follows:*

*(1) The director of community, trade, and economic development, through the director of fire protection, may designate certain classes of occupancy within a geographic area or may designate geographic areas as having an abnormally high incidence of arson. This designation shall not be a valid reason for cancellation, refusal to issue or renew, modification, or increasing the premium for any fire insurance policy.*

*(2) A fire insurance policy may not be issued to insure any property within a class of occupancy within a geographic area or within a geographic area designated by the director of community, trade, and economic development, through the director of fire protection, as having an abnormally high incidence of arson until the applicant has submitted an anti-arson application and the insurer or the insurer's representative has inspected the property. The application shall be prescribed by the director of community, trade, and economic development, through the director of fire protection, and shall contain but not be limited to the following:*

*(a) The name and address of the prospective insured and any mortgagees or other parties having an ownership interest in the property to be insured;*

*(b) The amount of insurance requested and the method of valuation used to establish the amount of insurance;*

*(c) The dates and selling prices of the property, if any, during the previous three years;*

*(d) Fire losses exceeding one thousand dollars during the previous five years for property in which the prospective insured held an equity interest or mortgage;*

*(e) Current corrective orders pertaining to fire, safety, health, building, or construction codes that have not been complied with within the time period or any extension of such time period authorized by the authority issuing such corrective order applicable to the property to be insured;*

*(f) Present or anticipated occupancy of the structure, and whether a certificate of occupancy has been issued;*

*(g) Signature and title, if any, of the person submitting the application.*

*(3) If the facts required to be reported by subsection (2) of this section materially change, the insured shall notify the insurer of any such change within fourteen days.*

*(4) An anti-arson application is not required for: (a) Fire insurance policies covering one to four-unit owner-occupied residential dwellings; (b) policies existing as of June 10, 1982; or (c) the renewal of these policies.*

*(5) An anti-arson application shall contain a notice stating: "Designation of a class of occupancy within a geographic area or geographic areas as*

*having an abnormally high incidence of arson shall not be a valid reason for cancellation, refusal to issue or renew, modification, or increasing the premium for any fire insurance policy."*

\*Sec. 140 was vetoed. See message at end of chapter.

*\*Sec. 141. RCW 48.53.060 and 1986 c 266 s 93 are each amended to read as follows:*

*Rules designating geographic areas or classes of occupancy as having an abnormally high incidence of arson, and any other rules necessary to implement this chapter shall be adopted by the director of community, trade, and economic development, through the director of fire protection, under chapter 34.05 RCW.*

\*Sec. 141 was vetoed. See message at end of chapter.

**Sec. 142.** RCW 50.38.030 and 1993 c 62 s 3 are each amended to read as follows:

The employment security department shall consult with the following agencies prior to the issuance of the state occupational forecast:

- (1) Office of financial management;
- (2) Department of community, trade, and economic development;
- (3) Department of labor and industries;
- (4) State board for community and technical colleges;
- (5) Superintendent of public instruction;
- (6) Department of social and health services;
- (7) ~~(Department of community development;~~

~~(8))~~ Work force training and education coordinating board; and

~~((9))~~ (8) Other state and local agencies as deemed appropriate by the commissioner of the employment security department.

These agencies shall cooperate with the employment security department, submitting information relevant to the generation of occupational forecasts.

*\*Sec. 143. RCW 53.36.030 and 1991 c 314 s 29 are each amended to read as follows:*

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

*(b) Port districts having less than eight hundred million dollars in value of taxable property may at any time contract indebtedness or borrow money for port district purposes and may issue general obligation bonds therefor not exceeding an amount, combined with existing indebtedness of the district not authorized by the voters, of three-eighths of one percent of the value of the taxable property in the district. Prior to contracting for any indebtedness authorized by this subsection (1)(b), the port district must have a comprehensive plan for harbor improvements or industrial development and a long-term*



*financial plan approved by the department of community, trade, and economic development. The department of community, trade, and economic development is immune from any liability for its part in reviewing or approving port district's improvement or development plans, or financial plans. Any indebtedness authorized by this subsection (1)(b) may be used only to acquire or construct a facility, and, prior to contracting for such indebtedness, the port district must have a lease contract for a minimum of five years for the facility to be acquired or constructed by the debt.*

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

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

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

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

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

\*Sec. 143 was vetoed. See message at end of chapter.

Sec. 144. RCW 54.16.285 and 1991 c 165 s 3 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 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, trade, and economic 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;

(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.

**Sec. 145.** RCW 54.52.010 and 1985 c 6 s 20 are each amended to read as follows:

A public utility district may include along with, or as part of its regular customer billings, a request for voluntary contributions to assist qualified low-income residential customers of the district in paying their electricity bills. All funds received by the district in response to such requests shall be transmitted to the grantee of the department of community, trade, and economic development which administers federally funded energy assistance programs for the state in the district's service area or to a charitable organization within the district's service area. All such funds shall be used solely to supplement assistance to low-income residential customers of the district in paying their electricity bills. The grantee or charitable organization shall be responsible to determine which of the district's customers are qualified for low-income assistance and the amount of assistance to be provided to those who are qualified.

**Sec. 146.** RCW 54.52.020 and 1985 c 6 s 21 are each amended to read as follows:

All assistance provided under this chapter shall be disbursed by the grantee or charitable organization. Where possible the public utility district will be paid on behalf of the customer by the grantee or the charitable organization. When direct vendor payment is not feasible, a check will be issued jointly payable to the customer and the public utility district. The availability of funds for

assistance to a district's low-income customers as a result of voluntary contributions shall not reduce the amount of assistance for which the district's customers are eligible under the federally funded energy assistance programs administered by the grantee of the department of community, trade, and economic development within the district's service area. The grantee or charitable organization shall provide the district with a quarterly report on January 15th, April 15th, July 15th, and October 15th which includes information concerning the total amount of funds received from the district, the names of all recipients of assistance from these funds, the amount received by each recipient, and the amount of funds received from the district currently on hand and available for future low-income assistance.

**Sec. 147.** RCW 56.40.010 and 1993 c 45 s 1 are each amended to read as follows:

A sewer district may include along with, or as part of its regular customer billings, a request for voluntary contributions to assist qualified low-income residential customers of the district in paying their sewer district bills. All funds received by the district in response to such requests shall be transmitted to the grantee of the department of community, trade, and economic development which administers federally funded energy assistance programs for the state in the district's service area or to a charitable organization within the district's service area. All such funds shall be used solely to supplement assistance to low-income residential customers of the district in paying their sewer district bills. The grantee or charitable organization shall be responsible to determine which of the district's customers are qualified for low-income assistance and the amount of assistance to be provided to those who are qualified.

**Sec. 148.** RCW 56.40.020 and 1993 c 45 s 2 are each amended to read as follows:

All assistance provided under this chapter shall be disbursed by the grantee or charitable organization. Where possible the sewer district will be paid on behalf of the customer by the grantee or the charitable organization. When direct vendor payment is not feasible, a check will be issued jointly payable to the customer and the sewer district. The availability of funds for assistance to a district's low-income customers as a result of voluntary contributions shall not reduce the amount of assistance for which the district's customers are eligible under the federally funded energy assistance programs administered by the grantee of the department of community, trade, and economic development within the district's service area. The grantee or charitable organization shall provide the district with a quarterly report on January 15th, April 15th, July 15th, and October 15th which includes information concerning the total amount of funds received from the district, the names of all recipients of assistance from these funds, the amount received by each recipient, and the amount of funds received from the district currently on hand and available for future low-income assistance.

**Sec. 149.** RCW 57.46.010 and 1993 c 45 s 5 are each amended to read as follows:

A water district may include along with, or as part of its regular customer billings, a request for voluntary contributions to assist qualified low-income residential customers of the district in paying their water district bills. All funds received by the district in response to such requests shall be transmitted to the grantee of the department of community, trade, and economic development which administers federally funded energy assistance programs for the state in the district's service area or to a charitable organization within the district's service area. All such funds shall be used solely to supplement assistance to low-income residential customers of the district in paying their water district bills. The grantee or charitable organization shall be responsible to determine which of the district's customers are qualified for low-income assistance and the amount of assistance to be provided to those who are qualified.

**Sec. 150.** RCW 57.46.020 and 1993 c 45 s 6 are each amended to read as follows:

All assistance provided under this chapter shall be disbursed by the grantee or charitable organization. Where possible the water district will be paid on behalf of the customer by the grantee or the charitable organization. When direct vendor payment is not feasible, a check will be issued jointly payable to the customer and the water district. The availability of funds for assistance to a district's low-income customers as a result of voluntary contributions shall not reduce the amount of assistance for which the district's customers are eligible under the federally funded energy assistance programs administered by the grantee of the department of community, trade, and economic development within the district's service area. The grantee or charitable organization shall provide the district with a quarterly report on January 15th, April 15th, July 15th, and October 15th which includes information concerning the total amount of funds received from the district, the names of all recipients of assistance from these funds, the amount received by each recipient, and the amount of funds received from the district currently on hand and available for future low-income assistance.

**Sec. 151.** RCW 59.18.440 and 1990 1st ex.s. c 17 s 49 are each amended to read as follows:

(1) Any city, town, county, or municipal corporation that is required to develop a comprehensive plan under RCW 36.70A.040(1) 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, trade, and economic 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 RCW 82.46.010.

(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.

*\*Sec. 152. RCW 59.21.010 and 1991 c 327 s 10 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, trade, and economic development.*

*(2) "Department" means the department of community, trade, and economic development.*

*(3) "Fund" means the mobile home park relocation fund established under RCW 59.21.050 consisting of park-owner fee payments under RCW 59.21.095 as well as park-owner payments when there are insufficient moneys in its fund.*

(4) "Low-income" means at or below eighty percent of median household income as defined by the United States department of housing and urban development, for the county or standard metropolitan statistical area where the park is located.

(5) "Mobile home park" or "park" means real property that is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income, except where the real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

(6) "Landlord" or "park-owner" means the owner of the mobile home park that is being closed at the time relocation assistance is provided.

(7) "Relocate" means to remove the mobile home from the mobile home park being closed.

(8) "Relocation assistance" means the monetary assistance provided under RCW 59.21.020.

\*Sec. 152 was vetoed. See message at end of chapter.

\*Sec. 153. RCW 59.21.050 and 1991 sp.s. c 13 s 74 are each amended to read as follows:

(1) The mobile home park relocation fund is created in the custody of the state treasurer. All legislative appropriations for mobile home relocation assistance, receipts from fees collected under this chapter, and amounts required to be paid by park-owners to low-income park tenants when there are insufficient moneys in the fund shall be deposited into the fund. Expenditures from the fund may be used only for relocation assistance under RCW 59.21.020, or transfer to the mobile home park purchase fund under subsection (2) of this section. Only the director (~~of community development~~) or the director's designee may authorize expenditures from the fund. All relocation payments to low-income park tenants, including those due from the park-owner shall be made from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(2) Unexpended and unencumbered moneys that remain in the fund at the end of the fiscal year do not revert to the state general fund but remain in the fund, separately accounted for, as a contingency reserve, or if the director determines at the end of any fiscal year beginning after December 31, 1991, that the fund contains a surplus over the projected amount needed for relocation during the upcoming year(s), any surplus may be transferred to the mobile home park purchase fund created by chapter 59.22 RCW. However, the director may cause any uncommitted funds in the mobile home park purchase fund which were transferred from the mobile home park relocation fund to be transferred back to the mobile home park relocation fund if that fund cannot otherwise meet its current obligations.

(3) A low-income park tenant who is entitled to relocation assistance under this chapter is entitled to payment only after submitting an application which includes: (a) A copy of the notice from the park-owner that the tenancy is



*terminated due to closure of the park; (b) a copy of the rental agreement currently in force; and (c) a copy of the contract entered into for the purpose of relocating the mobile home, which includes the date of relocation.*

*(4) The director may adopt rules for the administration of the fund.*

\*Sec. 153 was vetoed. See message at end of chapter.

**Sec. 154.** RCW 59.22.010 and 1987 c 482 s 1 are each amended to read as follows:

(1) The legislature finds:

(a) That manufactured housing and mobile home parks provide a source of low-cost housing to the low income, elderly, poor and infirmed, without which they could not afford private housing; but rising costs of mobile home park development and operation, as well as turnover in ownership, has resulted in mobile home park living becoming unaffordable to the low income, elderly, poor and infirmed, resulting in increased numbers of homeless persons, and persons who must look to public housing and public programs, increasing the burden on the state to meet the housing needs of its residents;

(b) That state government can play a vital role in addressing the problems confronted by mobile home park residents by providing assistance which makes it possible for mobile home park residents to acquire the mobile home parks in which they reside and convert them to resident ownership; and

(c) That to accomplish this purpose, information and technical support shall be made available through the department (~~(of community development)~~).

(2) Therefore, it is the intent of the legislature, in order to maintain low-cost housing in mobile home parks to benefit the low income, elderly, poor and infirmed, to encourage and facilitate the conversion of mobile home parks to resident ownership, to protect low-income mobile home park residents from both physical and economic displacement, to obtain a high level of private financing for mobile home park conversions, and to help establish acceptance for resident-owned mobile home parks in the private market.

**Sec. 155.** RCW 59.22.020 and 1993 c 66 s 9 are each amended to read as follows:

The following definitions shall apply throughout this chapter unless the context clearly requires otherwise:

(1) "Account" means the mobile home affairs account created under RCW 59.22.070.

(2) "Affordable" means that, where feasible, low-income residents should not pay more than thirty percent of their monthly income for housing costs.

(3) "Conversion costs" includes the cost of acquiring the mobile home park, the costs of planning and processing the conversion, the costs of any needed repairs or rehabilitation, and any expenditures required by a government agency or lender for the project.

(4) "Department" means the department of community, trade, and economic development.

(5) "Fee" means the mobile home title transfer fee imposed under RCW 59.22.080.

(6) "Fund" or "park purchase account" means the mobile home park purchase account created pursuant to RCW 59.22.030.

(7) "Housing costs" means the total cost of owning, occupying, and maintaining a mobile home and a lot or space in a mobile home park.

(8) "Individual interest in a mobile home park" means any interest which is fee ownership or a lesser interest which entitles the holder to occupy a lot or space in a mobile home park for a period of not less than either fifteen years or the life of the holder. Individual interests in a mobile home park include, but are not limited to, the following:

(a) Ownership of a lot or space in a mobile home park or subdivision;

(b) A membership or shares in a stock cooperative, or a limited equity housing cooperative; or

(c) Membership in a nonprofit mutual benefit corporation which owns, operates, or owns and operates the mobile home park.

(9) "Low-income resident" means an individual or household who resided in the mobile home park prior to application for a loan pursuant to this chapter and with an annual income at or below eighty percent of the median income for the county of standard metropolitan statistical area of residence. Net worth shall be considered in the calculation of income with the exception of the resident's mobile/manufactured home which is used as their primary residence.

(10) "Low-income spaces" means those spaces in a mobile home park operated by a resident organization which are occupied by low-income residents.

(11) "Mobile home park" means a mobile home park, as defined in RCW 59.20.030(4), or a manufactured home park subdivision as defined by RCW 59.20.030(6) created by the conversion to resident ownership of a mobile home park.

(12) "Resident organization" means a group of mobile home park residents who have formed a nonprofit corporation, cooperative corporation, or other entity or organization for the purpose of acquiring the mobile home park in which they reside and converting the mobile home park to resident ownership. The membership of a resident organization shall include at least two-thirds of the households residing in the mobile home park at the time of application for assistance from the department.

(13) "Resident ownership" means, depending on the context, either the ownership, by a resident organization, as defined in this section, of an interest in a mobile home park which entitles the resident organization to control the operations of the mobile home park for a term of no less than fifteen years, or the ownership of individual interests in a mobile home park, or both.

(14) "Landlord" shall have the same meaning as it does in RCW 59.20.030.

(15) "Manufactured housing" means residences constructed on one or more chassis for transportation, and which bear an insignia issued by a state or federal

regulatory agency indication compliance with all applicable construction standards of the United States department of housing and urban development.

(16) "Mobile home" shall have the same meaning as it does in RCW 46.04.302.

(17) "Mobile home lot" shall have the same meaning as it does in RCW 59.20.030.

(18) "Tenant" means a person who rents a mobile home lot for a term of one month or longer and owns the mobile home on the lot.

**Sec. 156.** RCW 59.22.070 and 1989 c 201 s 8 are each amended to read as follows:

There is created in the custody of the state treasurer a special account known as the mobile home affairs account.

Disbursements from this special account shall be as follows:

(1) For the two-year period beginning July 1, 1988, forty thousand dollars, or so much thereof as may be necessary for costs incurred in registering landlords and collecting fees, and thereafter five thousand dollars per year for that purpose.

(2) All remaining amounts shall be remitted to the department (~~of community development~~) for the purpose of implementing RCW 59.22.050 and 59.22.060.

**Sec. 157.** RCW 59.24.020 and 1988 c 237 s 2 are each amended to read as follows:

(1) The department of community, trade, and economic development shall establish the rental security deposit guarantee program. Through this program the department of community, trade, and economic development shall provide grants and technical assistance to local governments or nonprofit corporations, including local housing authorities as defined in RCW 35.82.030, who operate emergency housing shelters or transitional housing programs. The grants are to be used for the payment of residential rental security deposits under this chapter. The technical assistance is to help the local government or nonprofit corporation apply for grants and carry out the program. In order to be eligible for grants under this program, the recipient local government or nonprofit corporation shall provide fifteen percent of the total amount needed for the security deposit. The security deposit may include last month's rent where such rent is required as a normal practice by the landlord.

(2) The grants and matching funds shall be placed by the recipient local government or nonprofit corporation in a revolving loan fund and deposited in a bank or savings institution in an account that is separate from all other funds of the recipient. The funds and interest earned on these funds shall be utilized only as collateral to guarantee the payment of a security deposit required by a residential rental property owner as a condition for entering into a rental agreement with a prospective tenant.

(3) Prospective tenants who are eligible to participate in the rental security deposit guarantee program shall be limited to homeless persons or families who are residing in an emergency shelter or transitional housing operated by a local government or a nonprofit corporation, or to families who are temporarily residing in a park, car, or are otherwise without adequate shelter. The local government or nonprofit corporation shall make a determination regarding the person's or family's eligibility to participate in this program and a determination that a local rental unit is available for occupation. A determination of eligibility shall include, but is not limited to: (a) A determination that the person or family is homeless or is in transitional housing; (b) a verification of income and that the person or family can reasonably make the monthly rental payment; and (c) a determination that the person or family does not have the financial resources to make the rental security deposit.

**Sec. 158.** RCW 59.24.050 and 1988 c 237 s 5 are each amended to read as follows:

The department of community, trade, and economic development may adopt rules to implement this chapter, including but not limited to: (1) The eligibility of and the application process for local governments and nonprofit corporations; (2) the criteria by which grants and technical assistance shall be provided to local governments and nonprofit corporations; and (3) the criteria local governments and nonprofit corporations shall use in entering into contracts with tenants and rental property owners.

**Sec. 159.** RCW 59.24.060 and 1988 c 237 s 6 are each amended to read as follows:

The department of community, trade, and economic development may receive such gifts, grants, or endowments from public or private sources, as may be made from time to time, in trust or otherwise, to be used by the department of community, trade, and economic development for its programs, including the rental security deposit guarantee program. Funds from the housing trust fund, chapter 43.185 RCW, up to one hundred thousand dollars, may be used for the rental security deposit guarantee program by the department of community, trade, and economic development, local governments, and nonprofit organizations, provided all the requirements of this chapter and chapter 43.185 RCW are met.

**Sec. 160.** RCW 59.28.040 and 1989 c 188 s 4 are each amended to read as follows:

All owners of federally assisted housing shall, at least twelve months before the expiration of the rental assistance contract or prepayment of a mortgage or loan, serve a written notice of the anticipated expiration or prepayment date on each tenant household residing in the housing, on the clerk of the city, or county if in an unincorporated area, in which the property is located, and on the ((state)) department of community, trade, and economic development, by regular and certified mail.

**Sec. 161.** RCW 59.28.050 and 1989 c 188 s 5 are each amended to read as follows:

This chapter shall not in any way prohibit an owner of federally assisted housing from terminating a rental assistance contract or prepaying a mortgage or loan. The requirement in this chapter for notice shall not be construed as conferring any new or additional regulatory power upon the city or county clerk or upon the ((state)) department of community, trade, and economic development.

**Sec. 162.** RCW 59.28.060 and 1989 c 188 s 6 are each amended to read as follows:

The notice to tenants required by RCW 59.28.040 shall state the date of expiration or prepayment and the effect, if any, that the expiration or prepayment will have upon the tenants' rent and other terms of their rental agreement.

The notice to the city or county clerk and to the ((state)) department of community, trade, and economic development required by RCW 59.28.040 shall state: (1) The name, location, and project number of the federally assisted housing and the type of assistance received from the federal government; (2) the number and size of units; (3) the age, race, family size, and estimated incomes of the tenants who will be affected by the prepayment of the loan or mortgage or expiration of the federal assistance contract; (4) the projected rent increases for each affected tenant; and (5) the anticipated date of prepayment of the loan or mortgage or expiration of the federal assistance contract.

**Sec. 163.** RCW 59.28.110 and 1989 c 188 s 11 are each amended to read as follows:

The director of the department of community, trade, and economic development shall prepare an annual report on the preservation and loss of federally assisted housing in the state of Washington. The director shall include in this report recommendations for preserving federally assisted housing and for minimizing the involuntary displacement of tenants residing in such housing. The director shall provide a copy of this report to the house of representatives committee on housing and the senate committee on trade, technology, and economic development ((and labor)).

*\*Sec. 164. RCW 66.08.190 and 1991 sp.s. c 32 s 34 are each amended to read as follows:*

*When excess funds are distributed, all moneys subject to distribution shall be disbursed as follows:*

*(1) Three-tenths of one percent to the department of community, trade, and economic development to be allocated to border areas under RCW 66.08.195; and*

*(2) From the amount remaining after distribution under subsection (1) of this section, fifty percent to the general fund of the state, ten percent to the counties of the state, and forty percent to the incorporated cities and towns of the state.*

**(3) The governor may notify and direct the state treasurer to withhold the revenues to which the counties and cities are entitled under this section if the counties or cities are found to be in noncompliance pursuant to RCW 36.70A.340.**

\*Sec. 164 was vetoed. See message at end of chapter.

**\*Sec. 165. RCW 66.08.195 and 1988 c 229 s 3 are each amended to read as follows:**

**For the purposes of this section, the term "border area" means Blaine, Everson, Friday Harbor, Lynden, Nooksack, Northport, Oroville, Port Angeles, Sumas, and that area of Whatcom county commonly referred to as Point Roberts.**

**Funds allocable to border areas under RCW 66.08.190 shall be distributed pursuant to a formula developed by the department of community, trade, and economic development, by rule, based on border traffic and historical public impacts of law enforcement problems caused by the border on local budgets. All such funds received by Whatcom county pursuant to this allocation shall be spent within the Point Roberts area.**

\*Sec. 165 was vetoed. See message at end of chapter.

**Sec. 166. RCW 67.16.100 and 1991 c 270 s 4 are each amended to read as follows:**

(1) All sums paid to the commission under this chapter, including those sums collected for license fees and excluding those sums collected under RCW 67.16.102, 67.16.105(3), and 67.16.105(4), shall be disposed of by the commission as follows:

(a) Fifty percent thereof shall be retained by the commission for the payment of the salaries of its members, secretary, clerical, office, and other help and all expenses incurred in carrying out the provisions of this chapter. No salary, wages, expenses, or compensation of any kind shall be paid by the state in connection with the work of the commission.

(b) One percent shall, on the next business day following the receipt thereof, be paid to the state treasurer to be deposited in the general fund.

(c) Three percent shall, on the next business day following the receipt thereof, be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "state trade fair fund" which shall be maintained as a separate and independent fund, and made available to the director of community, trade, and economic development for the sole purpose of assisting state trade fairs.

(d) Forty-six percent shall be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "fair fund," which shall be maintained as a separate and independent fund outside of the state treasury, and made available to the director of agriculture for the sole purpose of assisting fairs in the manner provided in Title 15 RCW.

(2) Any moneys collected or paid to the commission under the terms of this chapter and not expended at the close of the fiscal biennium shall be paid to the

state treasurer and be placed in the general fund. The commission may, with the approval of the office of financial management, retain any sum required for working capital.

**Sec. 167.** RCW 67.38.070 and 1985 c 6 s 22 are each amended to read as follows:

The comprehensive cultural arts, stadium and convention plan adopted by the district shall be reviewed by the ((state)) department of community, trade, and economic development to determine:

(1) Whether the plan will enhance the progress of the state and provide for the general welfare of the population; and

(2) Whether such plan is eligible for matching federal funds.

After reviewing the comprehensive cultural arts, stadium and convention plan, the ((state)) department of community, trade, and economic development shall have sixty days in which to approve such plan and to certify to the state treasurer that such district shall be eligible to receive funds. To be approved a plan shall provide for coordinated cultural arts, stadium and convention planning, and be consistent with the public cultural arts, stadium and convention coordination criteria in a manner prescribed by chapter 35.60 RCW. In the event such comprehensive plan is disapproved and ruled ineligible to receive funds, the ((state)) department of community, trade, and economic development shall provide written notice to the district within thirty days as to the reasons for such plan's disapproval and such ineligibility. The district may resubmit such plan upon reconsideration and correction of such deficiencies cited in such notice of disapproval.

**Sec. 168.** RCW 68.60.030 and 1993 c 67 s 1 are each amended to read as follows:

(1)(a) The archaeological and historical division of the department of community, trade, and economic development may grant by nontransferable certificate authority to maintain and protect an abandoned cemetery upon application made by a preservation organization which has been incorporated for the purpose of restoring, maintaining, and protecting an abandoned cemetery. Such authority shall be limited to the care, maintenance, restoration, protection, and historical preservation of the abandoned cemetery, and shall not include authority to make burials, unless specifically granted by the cemetery board.

(b) Those preservation and maintenance corporations that are granted authority to maintain and protect an abandoned cemetery shall be entitled to hold and possess burial records, maps, and other historical documents as may exist. Maintenance and preservation corporations that are granted authority to maintain and protect an abandoned cemetery shall not be liable to those claiming burial rights, ancestral ownership, or to any other person or organization alleging to have control by any form of conveyance not previously recorded at the county auditor's office within the county in which the abandoned cemetery exists. Such organizations shall not be liable for any reasonable alterations made during

restoration work on memorials, roadways, walkways, features, plantings, or any other detail of the abandoned cemetery.

(c) Should the maintenance and preservation corporation be dissolved, the archaeological and historical division of the department of community, trade, and economic development shall revoke the certificate of authority.

(d) Maintenance and preservation corporations that are granted authority to maintain and protect an abandoned cemetery may establish care funds pursuant to chapter 68.44 RCW, and shall report in accordance with chapter 68.44 RCW to the state cemetery board.

(2) Except as provided in subsection (1) of this section, the department of community, trade, and economic development may, in its sole discretion, authorize any Washington nonprofit corporation that is not expressly incorporated for the purpose of restoring, maintaining, and protecting an abandoned cemetery, to restore, maintain, and protect one or more abandoned cemeteries. The authorization may include the right of access to any burial records, maps, and other historical documents, but shall not include the right to be the permanent custodian of original records, maps, or documents. This authorization shall be granted by a nontransferable certificate of authority. Any nonprofit corporation authorized and acting under this subsection is immune from liability to the same extent as if it were a preservation organization holding a certificate of authority under subsection (1) of this section.

(3) The department of community, trade, and economic development shall establish standards and guidelines for granting certificates of authority under subsections (1) and (2) of this section to assure that any restoration, maintenance, and protection activities authorized under this subsection are conducted and supervised in an appropriate manner.

*\*Sec. 169. RCW 70.41.080 and 1986 c 266 s 94 are each amended to read as follows:*

*Standards for fire protection and the enforcement thereof, with respect to all hospitals to be licensed hereunder shall be the responsibility of the director of community, trade, and economic development, through the director of fire protection, who shall adopt, after approval by the department, such recognized standards as may be applicable to hospitals for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the ((state fire marshal)) director of fire protection in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the director of community, trade, and economic development, through the director of fire protection, or his or her deputy, shall make an inspection of the hospital to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as adopted pursuant to this chapter, he or she shall promptly make a written report to the hospital and to the department listing the corrective actions required and the time allowed for accomplishing such corrections. The applicant or licensee shall notify the*



*director of community, trade, and economic development, through the director of fire protection, upon completion of any corrections required by him or her, and the director of community, trade, and economic development, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the hospital to be licensed meets with the approval of the director of community, trade, and economic development, through the director of fire protection, he or she shall submit to the department a written report approving the hospital with respect to fire protection, and such report is required before a full license can be issued. The director of community, trade, and economic development, through the director of fire protection, shall make or cause to be made inspections of such hospitals at least once a year.*

*In cities which have in force a comprehensive building code, the provisions of which are determined by the director of community, trade, and economic development, through the director of fire protection, to be equal to the minimum standards of the code for hospitals adopted by the director of community, trade, and economic development, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the director of community, trade, and economic development, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued.*

\*Sec. 169 was vetoed. See message at end of chapter.

*\*Sec. 170. RCW 70.75.020 and 1986 c 266 s 96 are each amended to read as follows:*

*The standardization of existing fire protection equipment in this state shall be arranged for and carried out by or under the direction of the director of community, trade, and economic development, through the director of fire protection. He or she shall provide the appliances necessary for carrying on this work, shall proceed with such standardization as rapidly as possible, and shall require the completion of such work within a period of five years from June 8, 1967: PROVIDED, That the director of community, trade, and economic development, through the director of fire protection, may exempt special purpose fire equipment and existing fire protection equipment from standardization when it is established that such equipment is not essential to the coordination of public fire protection operations.*

\*Sec. 170 was vetoed. See message at end of chapter.

*\*Sec. 171. RCW 70.75.030 and 1986 c 266 s 97 are each amended to read as follows:*

*The director of community, trade, and economic development, through the director of fire protection, shall notify industrial establishments and property owners having equipment, which may be necessary for fire department use in protecting the property or putting out fire, of any changes necessary to bring their equipment up to the requirements of the standard established by RCW*

*70.75.020, and shall render such assistance as may be available for converting substandard equipment to meet standard specifications and requirements.*

*\*Sec. 171 was vetoed. See message at end of chapter.*

*\*Sec. 172. RCW 70.75.040 and 1986 c 266 s 98 are each amended to read as follows:*

*Any person who, without approval of the director of community, trade, and economic development, through the director of fire protection, sells or offers for sale in Washington any fire hose, fire engine or other equipment for fire protection purposes which is fitted or equipped with other than the standard thread is guilty of a misdemeanor: PROVIDED, That fire equipment for special purposes, research, programs, forest fire fighting, or special features of fire protection equipment found appropriate for uniformity within a particular protection area may be specifically exempted from this requirement by order of the director of community, trade, and economic development, through the director of fire protection.*

*\*Sec. 172 was vetoed. See message at end of chapter.*

*\*Sec. 173. RCW 70.77.170 and 1986 c 266 s 99 are each amended to read as follows:*

*"License" means a nontransferable formal authorization which the director of community, trade, and economic development and the director of fire protection are permitted to issue under this chapter to engage in the act specifically designated therein.*

*\*Sec. 173 was vetoed. See message at end of chapter.*

*\*Sec. 174. RCW 70.77.250 and 1986 c 266 s 100 are each amended to read as follows:*

*(1) The director of community, trade, and economic development, through the director of fire protection, shall enforce and administer this chapter.*

*(2) The director of community, trade, and economic development, through the director of fire protection, shall appoint such deputies and employees as may be necessary and required to carry out the provisions of this chapter.*

*(3) The director of community, trade, and economic development, through the director of fire protection, may prescribe such rules relating to fireworks as may be necessary for the protection of life and property and for the implementation of this chapter.*

*(4) The director of community, trade, and economic development, through the director of fire protection, shall prescribe such rules as may be necessary to ensure state-wide minimum standards for the enforcement of this chapter. Counties, cities, and towns shall comply with such state rules. Any local rules adopted by local authorities that are more restrictive than state law as to the types of fireworks that may be sold shall have an effective date no sooner than one year after their adoption.*

*(5) The director of community, trade, and economic development, through the director of fire protection, may exercise the necessary police powers to*

*enforce the criminal provisions of this chapter. This grant of police powers does not prevent any other state agency or local government agency having general law enforcement powers from enforcing this chapter within the jurisdiction of the agency or local government.*

*\*Sec. 174 was vetoed. See message at end of chapter.*

*\*Sec. 175. RCW 70.77.305 and 1986 c 266 s 101 are each amended to read as follows:*

*The director of community, trade, and economic development, through the director of fire protection, has the power to issue licenses for the manufacture, importation, sale, and use of all fireworks in this state. A person may be licensed as a manufacturer, importer, or wholesaler under this chapter only if the person has a designated agent in this state who is registered with the director of community, trade, and economic development, through the director of fire protection.*

*\*Sec. 175 was vetoed. See message at end of chapter.*

*\*Sec. 176. RCW 70.77.315 and 1986 c 266 s 102 are each amended to read as follows:*

*Any person who desires to engage in the manufacture, importation, sale, or use of fireworks shall make a written application to the director of community, trade, and economic development, through the director of fire protection, on forms provided by him or her. Such application shall be accompanied by the annual license fee as prescribed in this chapter.*

*\*Sec. 176 was vetoed. See message at end of chapter.*

*\*Sec. 177. RCW 70.77.330 and 1986 c 266 s 104 are each amended to read as follows:*

*If the director of community, trade, and economic development, through the director of fire protection, finds that the granting of such license would not be contrary to public safety or welfare, he or she shall issue a license authorizing the applicant to engage in the particular act or acts upon the payment of the license fee specified in this chapter. Licensees may transport the class of fireworks for which they hold a valid license.*

*\*Sec. 177 was vetoed. See message at end of chapter.*

*\*Sec. 178. RCW 70.77.360 and 1986 c 266 s 106 are each amended to read as follows:*

*If the director of community, trade, and economic development, through the director of fire protection, finds that an application for any license under this chapter contains a material misrepresentation or that the granting of any license would be contrary to the public safety or welfare, the director of community, trade, and economic development, through the director of fire protection, may deny the application for the license.*

*\*Sec. 178 was vetoed. See message at end of chapter.*

*\*Sec. 179. RCW 70.77.365 and 1986 c 266 s 107 are each amended to read as follows:*

*A written report by the director of community, trade, and economic development, through the director of fire protection, or a local fire official, or any of their authorized representatives, disclosing that the applicant for a license, or the premises for which a license is to apply, do not meet the qualifications or conditions for a license constitutes grounds for the denial by the director of community, trade, and economic development, through the director of fire protection, of any application for a license.*

*\*Sec. 179 was vetoed. See message at end of chapter.*

*\*Sec. 180. RCW 70.77.375 and 1986 c 266 s 108 are each amended to read as follows:*

*The director of community, trade, and economic development, through the director of fire protection, upon reasonable opportunity to be heard, shall revoke any license issued pursuant to this chapter, if he or she finds that:*

*(1) The licensee has violated any provisions of this chapter or any rule or regulations made by the director of community, trade, and economic development, through the director of fire protection, under and with the authority of this chapter;*

*(2) The licensee has created or caused a fire nuisance;*

*(3) Any licensee has failed or refused to file any required reports; or*

*(4) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the director of community, trade, and economic development, through the director of fire protection, in refusing originally to issue such license.*

*\*Sec. 180 was vetoed. See message at end of chapter.*

*\*Sec. 181. RCW 70.77.415 and 1986 c 266 s 109 are each amended to read as follows:*

*Every public display of fireworks shall be handled or supervised by a pyrotechnic operator licensed by the director of community, trade, and economic development, through the director of fire protection, under RCW 70.77.255.*

*\*Sec. 181 was vetoed. See message at end of chapter.*

*\*Sec. 182. RCW 70.77.430 and 1986 c 266 s 110 are each amended to read as follows:*

*Notwithstanding RCW 70.77.255, following the revocation or expiration of a license, a licensee in lawful possession of a lawfully acquired stock of fireworks may sell such fireworks, but only under supervision of the director of community, trade, and economic development, through the director of fire protection. Any sale under this section shall be solely to persons who are authorized to buy, possess, sell, or use such fireworks.*

*\*Sec. 182 was vetoed. See message at end of chapter.*

*\*Sec. 183. RCW 70.77.455 and 1986 c 266 s 114 are each amended to read as follows:*

*All licensees shall maintain and make available to the director of community, trade, and economic development, through the director of fire protection, full and complete records showing all production, imports, exports, purchases, sales, and consumption of fireworks items by kind and class.*

*\*Sec. 183 was vetoed. See message at end of chapter.*

*\*Sec. 184. RCW 70.77.460 and 1986 c 266 s 115 are each amended to read as follows:*

*When reports on fireworks transactions or the payments of license fees or penalties are required to be made on or by specified dates, they shall be deemed to have been made at the time they are filed with or paid to the director of community, trade, and economic development, through the director of fire protection, or, if sent by mail, on the date shown by the United States postmark on the envelope containing the report or payment.*

*\*Sec. 184 was vetoed. See message at end of chapter.*

*\*Sec. 185. RCW 70.77.465 and 1986 c 266 s 116 are each amended to read as follows:*

*In addition to any other reports required under this chapter, the director of community, trade, and economic development, through the director of fire protection, may, by rule or otherwise, require additional, other, or supplemental reports from licensees and other persons and prescribe the form, including verification, of the information to be given when filing such additional, other or supplemental reports.*

*\*Sec. 185 was vetoed. See message at end of chapter.*

*\*Sec. 186. RCW 70.77.575 and 1986 c 266 s 117 are each amended to read as follows:*

*(1) The director of community, trade, and economic development, through the director of fire protection, shall adopt by rule a list of the fireworks that may be sold to the public in this state pursuant to this chapter. The director of community, trade, and economic development, through the director of fire protection, shall file the list by October 1st of each year with the code reviser for publication, unless the previously published list has remained current.*

*(2) The director of community, trade, and economic development, through the director of fire protection, shall provide the list adopted under subsection (1) of this section by November 1st of each year to all manufacturers, wholesalers, and importers licensed under this chapter, unless the previously distributed list has remained current.*

*\*Sec. 186 was vetoed. See message at end of chapter.*

*\*Sec. 187. RCW 70.77.580 and 1986 c 266 s 118 are each amended to read as follows:*

*Retailers required to be licensed under this chapter shall post prominently at each retail outlet a list of the fireworks that may be sold to the public in this state pursuant to this chapter. The posted list shall be in a form approved by the director of community, trade, and economic development, through the*

*director of fire protection. The director of community, trade, and economic development, through the director of fire protection, shall make available the list.*

\*Sec. 187 was vetoed. See message at end of chapter.

**Sec. 188.** RCW 70.94.537 and 1991 c 202 s 15 are each amended to read as follows:

(1) A twenty-three member state commute trip reduction task force shall be established as follows:

(a) The director of the state energy office or the director's designee who shall serve as chair;

(b) The secretary of the department of transportation or the secretary's designee;

(c) The director of the department of ecology or the director's designee;

(d) The director of the department of community, trade, and economic development or the director's designee;

(e) The director of the department of general administration or the director's designee;

(f) Three representatives from counties appointed by the governor from a list of at least six recommended by the Washington state association of counties;

(g) Three representatives from cities and towns appointed by the governor from a list of at least six recommended by the association of Washington cities;

(h) Three representatives from transit agencies appointed by the governor from a list of at least six recommended by the Washington state transit association;

(i) Six representatives of employers at or owners of major worksites in Washington appointed by the governor from a list of at least twelve recommended by the association of Washington business; and

(j) Three citizens appointed by the governor.

Members of the commute trip reduction task force shall serve without compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members appointed by the governor shall be compensated in accordance with RCW 43.03.220. The task force has all powers necessary to carry out its duties as prescribed by this chapter. The task force shall be dissolved on July 1, 2000.

(2) By March 1, 1992, the commute trip reduction task force shall establish guidelines for commute trip reduction plans. The guidelines are intended to ensure consistency in commute trip reduction plans and goals among jurisdictions while fairly taking into account differences in employment and housing density, employer size, existing and anticipated levels of transit service, special employer circumstances, and other factors the task force determines to be relevant. The guidelines shall include:

(a) Criteria for establishing commute trip reduction zones;

(b) Methods and information requirements for determining base year values of the proportion of single-occupant vehicle commute trips and the commute trip

vehicle miles traveled per employee and progress toward meeting commute trip reduction plan goals;

(c) Model commute trip reduction ordinances;

(d) Methods for assuring consistency in the treatment of employers who have worksites subject to the requirements of this chapter in more than one jurisdiction;

(e) An appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of a commute trip reduction plan, may obtain a waiver or modification of those requirements and criteria for determining eligibility for waiver or modification;

(f) Methods to ensure that employers shall receive full credit for the results of transportation demand management efforts and commute trip reduction programs which have been implemented by major employers prior to the base year;

(g) Alternative commute trip reduction goals for major employers which cannot meet the goals of this chapter because of the unique nature of their business; and

(h) Alternative commute trip reduction goals for major employers whose worksites change and who contribute substantially to traffic congestion in a trip reduction zone.

(3) The task force shall assess the commute trip reduction options available to employers other than major employers and make recommendations to the legislature by October 1, 1992. The recommendations shall include the minimum size of employer who shall be required to implement trip reduction programs and the appropriate methods those employers can use to accomplish trip reduction goals.

(4) The task force shall review progress toward implementing commute trip reduction plans and programs and the costs and benefits of commute trip reduction plans and programs and shall make recommendations to the legislature by December 1, 1995, and December 1, 1999. In assessing the costs and benefits, the task force shall consider the costs of not having implemented commute trip reduction plans and programs. The task force shall examine other transportation demand management programs nationally and incorporate its findings into its recommendations to the legislature. The recommendations shall address the need for continuation, modification, or termination or any or all requirements of this chapter. The recommendations made December 1, 1995, shall include recommendations regarding extension of the requirements of this chapter to employers with fifty or more full-time employees at a single worksite who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays for more than twelve continuous months.

**Sec. 189.** RCW 70.95.260 and 1989 c 431 s 9 are each amended to read as follows:

The department shall in addition to its other powers and duties:

(1) Cooperate with the appropriate federal, state, interstate and local units of government and with appropriate private organizations in carrying out the provisions of this chapter.

(2) Coordinate the development of a solid waste management plan for all areas of the state in cooperation with local government, the department of community, trade, and economic development, and other appropriate state and regional agencies. The plan shall relate to solid waste management for twenty years in the future and shall be reviewed biennially, revised as necessary, and extended so that perpetually the plan shall look to the future for twenty years as a guide in carrying out a state coordinated solid waste management program. The plan shall be developed into a single integrated document and shall be adopted no later than October 1990. The plan shall be revised regularly after its initial completion so that local governments revising local comprehensive solid waste management plans can take advantage of the data and analysis in the state plan.

(3) Provide technical assistance to any person as well as to cities, counties, and industries.

(4) Initiate, conduct, and support research, demonstration projects, and investigations, and coordinate research programs pertaining to solid waste management systems.

(5) Develop state-wide programs to increase public awareness of and participation in tire recycling, and to stimulate and encourage local private tire recycling centers and public participation in tire recycling.

(6) May, under the provisions of the Administrative Procedure Act, chapter 34.05 RCW, as now or hereafter amended, from time to time promulgate such rules and regulations as are necessary to carry out the purposes of this chapter.

**Sec. 190.** RCW 70.95.265 and 1985 c 466 s 69 are each amended to read as follows:

The department shall work closely with the department of community, trade, and economic development, the department of general administration, and with other state departments and agencies, the Washington state association of counties, the association of Washington cities, and business associations, to carry out the objectives and purposes of this 1976 amendatory act.

**Sec. 191.** RCW 70.95.810 and 1989 c 431 s 97 are each amended to read as follows:

(1) In order to establish the feasibility of composting food and yard wastes, the department shall provide funds, as available, to local governments submitting a proposal to compost such wastes.

(2) The department, in cooperation with the department of community, trade, and economic development, may approve an application if the project can demonstrate the essential parameters for successful composting, including, but not limited to, cost-effectiveness, handling and safety requirements, and current and potential markets.



(3) The department shall periodically report to the appropriate standing committees of the legislature on the need for, and feasibility of, composting systems for food and yard wastes.

**Sec. 192.** RCW 70.95H.007 and 1991 c 319 s 202 are each amended to read as follows:

There is created the clean Washington center within the department of community, trade, and economic development. As used in this chapter, "center" means the clean Washington center.

**Sec. 193.** RCW 70.95H.020 and 1991 c 319 s 204 are each amended to read as follows:

(1) The center's activities shall be conducted with the assistance of a policy board. Except as otherwise provided, policy board members shall be appointed by the directors of the department of community, trade, and economic development and department of ecology as follows:

(a) Two representatives of the legislature, one appointed by the speaker of the house of representatives and one appointed by the president of the senate;

(b) One member to represent cities;

(c) One member to represent counties;

(d) Five private sector members to represent the end users and marketers of postconsumer recovered materials, including one member to represent recycling businesses;

(e) The directors of the departments of community, trade, and economic development and ecology shall represent the executive branch as nonvoting members; and

(f) Nonvoting, temporary appointments to the board can be made by the chair where specific expertise is needed.

(2) The initial appointments of the five private sector members will be two members with three-year terms and three members with two-year terms. Thereafter, members shall serve two-year renewable terms. Vacancies shall be filled by the chair with majority consent from the members.

(3) Members of the board, exclusive of those representing the legislative or executive branches, shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The board shall meet at least quarterly.

(5) The chair shall be elected from among the members by a simple majority vote.

(6) The board may adopt and exercise bylaws for the regulation of its business for the purposes of this chapter.

**Sec. 194.** RCW 70.95H.050 and 1991 c 319 s 207 are each amended to read as follows:

The center shall solicit financial contributions and support from manufacturing industries and other private sector sources, foundations, and grants from governmental sources to assist in conducting its activities. It may also use

separately appropriated funds of the department of community, trade, and economic development for the center's activities.

*\*Sec. 195. RCW 70.108.040 and 1986 c 266 s 120 are each amended to read as follows:*

*Application for an outdoor music festival permit shall be in writing and filed with the clerk of the issuing authority wherein the festival is to be held. Said application shall be filed not less than ninety days prior to the first scheduled day of the festival and shall be accompanied with a permit fee in the amount of two thousand five hundred dollars. Said application shall include:*

*(1) The name of the person or other legal entity on behalf of whom said application is made: PROVIDED, That a natural person applying for such permit shall be eighteen years of age or older;*

*(2) A financial statement of the applicant;*

*(3) The nature of the business organization of the applicant;*

*(4) Names and addresses of all individuals or other entities having a ten percent or more proprietary interest in the festival;*

*(5) The principal place of business of applicant;*

*(6) A legal description of the land to be occupied, the name and address of the owner thereof, together with a document showing the consent of said owner to the issuance of a permit, if the land be owned by a person other than the applicant;*

*(7) The scheduled performances and program;*

*(8) Written confirmation from the local health officer that he or she has reviewed and approved plans for site and development in accordance with rules, regulations and standards adopted by the state board of health. Such rules and regulations shall include criteria as to the following and such other matters as the state board of health deems necessary to protect the public's health:*

*(a) Submission of plans*

*(b) Site*

*(c) Water supply*

*(d) Sewage disposal*

*(e) Food preparation facilities*

*(f) Toilet facilities*

*(g) Solid waste*

*(h) Insect and rodent control*

*(i) Shelter*

*(j) Dust control*

*(k) Lighting*

*(l) Emergency medical facilities*

*(m) Emergency air evacuation*

*(n) Attendant physicians*

*(o) Communication systems*

(9) A written confirmation from the appropriate law enforcement agency from the area where the outdoor music festival is to take place, showing that traffic control and crowd protection policing have been contracted for or otherwise provided by the applicant meeting the following conditions:

(a) One person for each two hundred persons reasonably expected to be in attendance at any time during the event for purposes of traffic and crowd control.

(b) The names and addresses of all traffic and crowd control personnel shall be provided to the appropriate law enforcement authority: *PROVIDED*, That not less than twenty percent of the traffic and crowd control personnel shall be commissioned police officers or deputy sheriffs: *PROVIDED FURTHER*, That on and after February 25, 1972 any commissioned police officer or deputy sheriff who is employed and compensated by the promoter of an outdoor music festival shall not be eligible and shall not receive any benefits whatsoever from any public pension or disability plan of which he or she is a member for the time he or she is so employed or for any injuries received during the course of such employment.

(c) During the hours that the festival site shall be open to the public there shall be at least one regularly commissioned police officer employed by the jurisdiction wherein the festival site is located for every one thousand persons in attendance and said officer shall be on duty within the confines of the actual outdoor music festival site.

(d) All law enforcement personnel shall be charged with enforcing the provisions of this chapter and all existing statutes, ordinances and regulations.

(10) A written confirmation from the appropriate law enforcement authority that sufficient access roads are available for ingress and egress to the parking areas of the outdoor music festival site and that parking areas are available on the actual site of the festival or immediately adjacent thereto which are capable of accommodating one auto for every four persons in estimated attendance at the outdoor music festival site.

(11) A written confirmation from the department of natural resources, where applicable, and the director of community, trade, and economic development, through the director of fire protection, that all fire prevention requirements have been complied with.

(12) A written statement of the applicant that all state and local law enforcement officers, fire control officers and other necessary governmental personnel shall have free access to the site of the outdoor music festival.

(13) A statement that the applicant will abide by the provisions of this chapter.

(14) The verification of the applicant warranting the truth of the matters set forth in the application to the best of the applicant's knowledge, under the penalty of perjury.

\*Sec. 195 was vetoed. See message at end of chapter.

**Sec. 196.** RCW 70.128.180 and 1989 c 427 s 41 are each amended to read as follows:

The department of community, trade, and economic development shall:

(1) Report to the appropriate committees of the legislature the results of the local reviews provided for in RCW 35.63.140, 35A.63.149, 36.70.755, 35.22.680, and 36.32.560 by December 31, 1990.

(2) In consultation with the association of Washington cities, the Washington association of counties, and the long-term care commission, develop a model ordinance for the siting of residential care facilities. The model ordinance shall be developed by December 31, 1990.

**Sec. 197.** RCW 70.136.030 and 1987 c 238 s 2 are each amended to read as follows:

The governing body of each applicable political subdivision of this state shall designate a hazardous materials incident command agency within its respective boundaries, and file this designation with the director of community, trade, and economic development. In designating an incident command agency, the political subdivision shall consider the training, manpower, expertise, and equipment of various available agencies as well as the Uniform Fire Code and other existing codes and regulations. Along state and interstate highway corridors, the Washington state patrol shall be the designated incident command agency unless by mutual agreement that role has been assumed by another designated incident command agency. If a political subdivision has not designated an incident command agency within six months after July 26, 1987, the Washington state patrol shall then assume the role of incident command agency by action of the chief until a designation has been made.

*\*Sec. 198. RCW 70.160.060 and 1986 c 266 s 121 are each amended to read as follows:*

*This chapter is not intended to regulate smoking in a private enclosed workplace, within a public place, even though such workplace may be visited by nonsmokers, excepting places in which smoking is prohibited by the director of community, trade, and economic development, through the director of fire protection, or by other law, ordinance, or regulation.*

*\*Sec. 198 was vetoed. See message at end of chapter.*

**Sec. 199.** RCW 70.164.020 and 1987 c 36 s 2 are each amended to read as follows:

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

(1) "Department" means the department of community, trade, and economic development.

(2) "Energy assessment" means an analysis of a dwelling unit to determine the need for cost-effective energy conservation measures as determined by the department.

(3) "Household" means an individual or group of individuals living in a dwelling unit as defined by the department.

(4) "Low income" means household income that is at or below one hundred twenty-five percent of the federally established poverty level.

(5) "Nonutility sponsor" means any sponsor other than a public service company, municipality, public utility district, mutual or cooperative, furnishing gas or electricity used to heat low-income residences.

(6) "Residence" means a dwelling unit as defined by the department.

(7) "Sponsor" means any entity that submits a proposal under RCW 70.164.040, including but not limited to any local community action agency, community service agency, or any other participating agency or any public service company, municipality, public utility district, mutual or cooperative, or any combination of such entities that jointly submits a proposal.

(8) "Sponsor match" means the share, if any, of the cost of weatherization to be paid by the sponsor.

(9) "Weatherization" means materials or measures, and their installation, that are used to improve the thermal efficiency of a residence.

(10) "Weatherizing agency" means any approved department grantee or any public service company, municipality, public utility district, mutual or cooperative, or other entity that bears the responsibility for ensuring the performance of weatherization of residences under this chapter and has been approved by the department.

**Sec. 200.** RCW 70.190.010 and 1992 c 198 s 3 are each amended to read as follows:

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

(1) "Comprehensive plan" means a two-year plan that examines available resources and unmet needs for a county or multicounty area, barriers that limit the effective use of resources, and a plan to address these issues that is broadly supported.

(2) "Participating state agencies" means the office of the superintendent of public instruction, the department of social and health services, the department of health, the employment security department, the department of community, trade, and economic development, and such other departments as may be specifically designated by the governor.

(3) "Family policy council" or "council" means the superintendent of public instruction, the secretary of social and health services, the secretary of health, the commissioner of the employment security department, and the director of the department of community trade and economic development or their designees, one legislator from each caucus of the senate and house of representatives, and one representative of the governor.

(4) "Outcome based" means defined and measurable outcomes and indicators that make it possible for communities to evaluate progress in meeting their goals and whether systems are fulfilling their responsibilities.

(5) "Matching funds" means an amount no less than twenty-five percent of the amount budgeted for a consortium's project. Up to half of the consortium's matching funds may be in-kind goods and services. Funding sources allowable for match include appropriate federal or local levy funds, private charitable funding, and other charitable giving. Basic education funds shall not be used as a match.

(6) "Consortium" means a diverse group of individuals that includes at least representatives of local service providers, service recipients, local government administering or funding children or family service programs, participating state agencies, school districts, existing children's commissions, ethnic and racial minority populations, and other interested persons organized for the purpose of designing and providing collaborative and coordinated services under this chapter. Consortiums shall represent a county, multicounty, or municipal service area. In addition, consortiums may represent Indian tribes applying either individually or collectively.

*\*Sec. 201. RCW 71.12.485 and 1989 1st ex.s. c 9 s 228 are each amended to read as follows:*

*Standards for fire protection and the enforcement thereof, with respect to all establishments to be licensed hereunder, shall be the responsibility of the director of community, trade, and economic development, through the director of fire protection, who shall adopt such recognized standards as may be applicable to such establishments for the protection of life against the cause and spread of fire and fire hazards. The department of health, upon receipt of an application for a license, or renewal of a license, shall submit to the director of community, trade, and economic development, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the director of community, trade, and economic development, through the director of fire protection, or his or her deputy shall make an inspection of the establishment to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the director of community, trade, and economic development, through the director of fire protection, he or she shall promptly make a written report to the establishment and the department of health as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department of health, applicant or licensee shall notify the director of community, trade, and economic development, through the director of fire protection, upon completion of any requirements made by him or her, and the ((state fire marshal)) director of fire protection or his or her deputy shall make a reinspection of such premises. Whenever the establishment to be licensed meets with the approval of the director of community, trade, and economic development, through the director of fire protection, he or she shall submit to the department of health a written report approving same with respect to fire protection before a full*

*license can be issued. The director of community, trade, and economic development, through the director of fire protection, shall make or cause to be made inspections of such establishments at least annually. The department of health shall not license or continue the license of any establishment unless and until it shall be approved by the director of community, trade, and economic development, through the director of fire protection, as herein provided.*

*In cities which have in force a comprehensive building code, the provisions of which are determined by the director of community, trade, and economic development, through the director of fire protection, to be equal to the minimum standards of the director of community, trade, and economic development, through the director of fire protection, for such establishments, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the director of community, trade, and economic development, through the director of fire protection, or his or her deputy, and they shall jointly approve the premises before a full license can be issued.*

\*Sec. 201 was vetoed. See message at end of chapter.

**Sec. 202.** RCW 72.09.055 and 1993 c 461 s 12 are each amended to read as follows:

(1) The department shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for very low-income, low-income, and moderate-income households as defined (~~((f+n))~~) in RCW 43.63A.510. The inventory shall include the location, approximate size, and current zoning classification of the property. The department shall provide a copy of the inventory to the department of community, trade, and economic development by November 1, 1993, and every November 1 thereafter.

(2) By November 1 of each year, beginning in 1994, the department shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The department shall include an updated listing of real property that has become available since the (~~((least-last))~~) last update. As used in this section, "real property" means buildings, land, or buildings and land.

**Sec. 203.** RCW 72.65.210 and 1989 c 89 s 1 are each amended to read as follows:

(1) The department shall establish, by rule, inmate eligibility standards for participation in the work release program.

(2) The department shall:

(a) Conduct an annual examination of each work release facility and its security procedures;

(b) Investigate and set standards for the inmate supervision policies of each work release facility;

(c) Establish physical standards for future work release structures to ensure the safety of inmates, employees, and the surrounding communities;

(d) Evaluate its recordkeeping of serious infractions to determine if infractions are properly and consistently assessed against inmates eligible for work release;

(e) Report to the legislature on a case management procedure to evaluate and determine those inmates on work release who are in need of treatment. The department shall establish in the report a written treatment plan best suited to the inmate's needs, cost, and the relationship of community placement and community corrections officers to a system of case management;

(f) Adopt a policy to encourage businesses employing work release inmates to contact the appropriate work release facility whenever an inmate is absent from his or her work schedule. The department of corrections shall provide each employer with written information and instructions on who should be called if a work release employee is absent from work or leaves the job site without authorization; and

(g) Develop a siting policy, in conjunction with cities, counties, community groups, and the department of community, trade, and economic development for the establishment of additional work release facilities. Such policy shall include at least the following elements: (i) Guidelines for appropriate site selection of work-release facilities; (ii) notification requirements to local government and community groups of intent to site a work release facility; and (iii) guidelines for effective community relations by the work release program operator.

The department shall comply with the requirements of this section by July 1, 1990.

**Sec. 204.** RCW 74.13.090 and 1993 c 194 s 7 are each amended to read as follows:

(1) There is established a child care coordinating committee to provide coordination and communication between state agencies responsible for child care and early childhood education services. The child care coordinating committee shall be composed of not less than seventeen nor more than thirty-three members who shall include:

(a) One representative each from the department of social and health services, the department of community, trade, and economic development, the office of the superintendent of public instruction, and any other agency having responsibility for regulation, provision, or funding of child care services in the state;

(b) One representative from the department of labor and industries;

~~(c) One representative from the department of trade and economic development;~~

~~(d))~~ One representative from the department of revenue;

~~((e))~~ (d) One representative from the employment security department;

~~((f))~~ (e) One representative from the department of personnel;

~~((g))~~ (f) One representative from the department of health;



~~((h))~~ (g) At least one representative of family home child care providers and one representative of center care providers;

~~((i))~~ (h) At least one representative of early childhood development experts;

~~((j))~~ (i) At least one representative of school districts and teachers involved in the provision of child care and preschool programs;

~~((k))~~ (j) At least one parent education specialist;

~~((l))~~ (k) At least one representative of resource and referral programs;

~~((m))~~ (l) One pediatric or other health professional;

~~((n))~~ (m) At least one representative of college or university child care providers;

~~((o))~~ (n) At least one representative of a citizen group concerned with child care;

~~((p))~~ (o) At least one representative of a labor organization;

~~((q))~~ (p) At least one representative of a head start - early childhood education assistance program agency;

~~((r))~~ (q) At least one employer who provides child care assistance to employees;

~~((s))~~ (r) Parents of children receiving, or in need of, child care, half of whom shall be parents needing or receiving subsidized child care and half of whom shall be parents who are able to pay for child care.

The named state agencies shall select their representative to the child care coordinating committee. The department of social and health services shall select the remaining members, considering recommendations from lists submitted by professional associations and other interest groups until such time as the committee adopts a member selection process. The department shall use any federal funds which may become available to accomplish the purposes of RCW 74.13.085 through 74.13.095.

The committee shall elect officers from among its membership and shall adopt policies and procedures specifying the lengths of terms, methods for filling vacancies, and other matters necessary to the ongoing functioning of the committee. The secretary of social and health services shall appoint a temporary chair until the committee has adopted policies and elected a chair accordingly. Child care coordinating committee members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(2) To the extent possible within available funds, the child care coordinating committee shall:

(a) Serve as an advisory coordinator for all state agencies responsible for early childhood or child care programs for the purpose of improving communication and interagency coordination;

(b) Annually review state programs and make recommendations to the agencies and the legislature which will maximize funding and promote furtherance of the policies set forth in RCW 74.13.085. Reports shall be

provided to all appropriate committees of the legislature by December 1 of each year. At a minimum the committee shall:

(i) Review and propose changes to the child care subsidy system in its December 1989 report;

(ii) Review alternative models for child care service systems, in the context of the policies set forth in RCW 74.13.085, and recommend to the legislature a new child care service structure; and

(iii) Review options and make recommendations on the feasibility of establishing an allocation for day care facilities when constructing state buildings;

(c) Review department of social and health services administration of the child care expansion grant program described in RCW 74.13.095;

(d) Review rules regarding child care facilities and services for the purpose of identifying those which unnecessarily obstruct the availability and affordability of child care in the state;

(e) Advise and assist the office of child care (~~(resource coordinator)~~) policy in implementing his or her duties under RCW 74.13.0903;

(f) Perform other functions to improve the quantity and quality of child care in the state, including compliance with existing and future prerequisites for federal funding; and

(g) Advise and assist the department of personnel in its responsibility for establishing policies and procedures that provide for the development of quality child care programs for state employees.

*\*Sec. 205. RCW 74.15.050 and 1986 c 266 s 123 are each amended to read as follows:*

*The director of community, trade, and economic development, through the director of fire protection, shall have the power and it shall be his or her duty:*

*(1) In consultation with the children's services advisory committee and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt recognized minimum standard requirements pertaining to each category of agency established pursuant to chapter 74.15 RCW and RCW 74.13.031, except foster-family homes and child-placing agencies, necessary to protect all persons residing therein from fire hazards;*

*(2) To make or cause to be made such inspections and investigations of agencies, other than foster-family homes or child-placing agencies, as he or she deems necessary;*

*(3) To make a periodic review of requirements under RCW ~~((74.15.030(6)))~~ 74.15.030(7) and to adopt necessary changes after consultation as required in subsection (1) of this section;*

*(4) To issue to applicants for licenses hereunder, other than foster-family homes or child-placing agencies, who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department of social and health services before a license shall be issued, except that a provisional license may be issued as provided in RCW 74.15.120.*

*\*Sec. 205 was vetoed. See message at end of chapter.*

**\*Sec. 206. RCW 74.15.080 and 1989 1st ex.s. c 9 s 266 are each amended to read as follows:**

**All agencies subject to chapter 74.15 RCW and RCW 74.13.031 shall accord the department of social and health services, the secretary of health, the director of community, trade, and economic development, and the director of fire protection, or their designees, the right of entrance and the privilege of access to and inspection of records for the purpose of determining whether or not there is compliance with the provisions of chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted thereunder.**

**\*Sec. 206 was vetoed. See message at end of chapter.**

**Sec. 207. RCW 76.09.030 and 1993 c 257 s 1 are each amended to read as follows:**

(1) There is hereby created the forest practices board of the state of Washington as an agency of state government consisting of members as follows:

(a) The commissioner of public lands or (~~his~~) the commissioner's designee;

(b) The director of the department of community, trade, and economic development or (~~his~~) the director's designee;

(c) The director of the department of agriculture or (~~his~~) the director's designee;

(d) The director of the department of ecology or (~~his~~) the director's designee;

(e) An elected member of a county legislative authority appointed by the governor: PROVIDED, That such member's service on the board shall be conditioned on (~~his~~) the member's continued service as an elected county official; and

(f) Six members of the general public appointed by the governor, one of whom shall be an owner of not more than five hundred acres of forest land, and one of whom shall be an independent logging contractor.

(2) The members of the initial board appointed by the governor shall be appointed so that the term of one member shall expire December 31, 1975, the term of one member shall expire December 31, 1976, the term of one member shall expire December 31, 1977, the terms of two members shall expire December 31, 1978, and the terms of two members shall expire December 31, 1979. Thereafter, each member shall be appointed for a term of four years. Vacancies on the board shall be filled in the same manner as the original appointments. Each member of the board shall continue in office until his or her successor is appointed and qualified. The commissioner of public lands or (~~his~~) the commissioner's designee shall be the chairman of the board.

(3) The board shall meet at such times and places as shall be designated by the chairman or upon the written request of the majority of the board. The principal office of the board shall be at the state capital.

(4) Members of the board, except public employees and elected officials, shall be compensated in accordance with RCW 43.03.250. Each member shall

be entitled to reimbursement for travel expenses incurred in the performance of their duties as provided in RCW 43.03.050 and 43.03.060.

(5) The board may employ such clerical help and staff pursuant to chapter 41.06 RCW as is necessary to carry out its duties.

**Sec. 208.** RCW 77.12.710 and 1993 sp.s. c 2 s 70 are each amended to read as follows:

The legislature hereby directs the department to determine the feasibility and cost of doubling the state-wide game fish production by the year 2000. The department shall seek to equalize the effort and investment expended on anadromous and resident game fish programs. The department shall provide the legislature with a specific plan for legislative approval that will outline the feasibility of increasing game fish production by one hundred percent over current levels by the year 2000. The plan shall contain specific provisions to increase both hatchery and naturally spawning game fish to a level that will support the production goal established in this section consistent with department policies. Steelhead trout, searun cutthroat trout, resident trout, and warmwater fish producing areas of the state shall be included in the plan. The department shall provide the plan to the house of representatives and senate ways and means, environment and natural resources, environmental affairs, fisheries and wildlife, and natural resources committees by December 31, 1990.

The plan shall include the following critical elements:

(1) Methods of determining current catch and production, and catch and production in the year 2000;

(2) Methods of involving fishing groups, including Indian tribes, in a cooperative manner;

(3) Methods for using low capital cost projects to produce game fish as inexpensively as possible;

(4) Methods for renovating and modernizing all existing hatcheries and rearing ponds to maximize production capability;

(5) Methods for increasing the productivity of natural spawning game fish;

(6) Application of new technology to increase hatchery and natural productivity;

(7) Analysis of the potential for private contractors to produce game fish for public fisheries;

(8) Methods to optimize public volunteer efforts and cooperative projects for maximum efficiency;

(9) Methods for development of trophy game fish fisheries;

(10) Elements of coordination with the Pacific Northwest Power Council programs to ensure maximum Columbia river benefits;

(11) The role that should be played by private consulting companies in developing and implementing the plan;

(12) Coordination with federal fish and wildlife agencies, Indian tribes, and department fish production programs;

(13) Future needs for game fish predator control measures;

- (14) Development of disease control measures;
- (15) Methods for obtaining access to waters currently not available to anglers; and
- (16) Development of research programs to support game fish management and enhancement programs.

The department, in cooperation with the department of revenue, shall assess various funding mechanisms and make recommendations to the legislature in the plan. The department, in cooperation with the department of community, trade, and economic development, shall prepare an analysis of the economic benefits to the state that will occur when the game fish production is increased by one hundred percent in the year 2000.

**Sec. 209.** RCW 79.08.1078 and 1985 c 6 s 24 are each amended to read as follows:

(1) A public hearing may be held prior to any withdrawal of state trust lands and shall be held prior to any revocation of withdrawal or modification of withdrawal of state trust lands used for recreational purposes by the department of natural resources or by other state agencies.

(2) The department shall cause notice of the withdrawal, revocation of withdrawal or modification of withdrawal of state trust lands as described in subsection (1) of this section to be published by advertisement once a week for four weeks prior to the public hearing in at least one newspaper published and of general circulation in the county or counties in which the state trust lands are situated, and by causing a copy of said notice to be posted in a conspicuous place in the department's Olympia office, in the district office in which the land is situated, and in the office of the county auditor in the county where the land is situated thirty days prior to the public hearing. The notice shall specify the time and place of the public hearing and shall describe with particularity each parcel of state trust lands involved in said hearing.

(3) The board of natural resources shall administer the hearing according to its prescribed rules and regulations.

(4) The board of natural resources shall determine the most beneficial use or combination of uses of the state trust lands. Its decision will be conclusive as to the matter: PROVIDED, HOWEVER, That said decisions as to uses shall conform to applicable state plans and policy guidelines adopted by the department of community, trade, and economic development.

**Sec. 210.** RCW 79.90.565 and 1988 c 124 s 9 are each amended to read as follows:

After consultation with the director of community, trade, and economic development, the department of natural resources may enter into agreements, leases, or other conveyances for archaeological activities on state-owned aquatic lands. Such agreements, leases, or other conveyances may contain such conditions as are required for the department of natural resources to comply with its legal rights and duties. All such agreements, leases, or other conveyances,

shall be issued in accordance with the terms of chapters 79.90 through 79.96 RCW.

**Sec. 211.** RCW 80.28.010 and 1991 c 347 s 22 and 1991 c 165 s 4 are each reenacted and 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) Utility service for residential space heating shall not be terminated 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 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, trade, and economic 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.

(5) 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;

(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 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

(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.

(6) A payment plan implemented under this section is consistent with RCW 80.28.080.

(7) 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.

(8) 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.

(9) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

(10) In establishing rates or charges for water service, water companies as defined in RCW 80.04.010 may consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

**Sec. 212.** RCW 81.80.450 and 1990 c 123 s 2 are each amended to read as follows:

(1) The department of community, trade, and economic development, in conjunction with the utilities and transportation commission and the department of ecology, shall evaluate the effect of exempting motor vehicles transporting recovered materials from rate regulation as provided under RCW 81.80.440. The evaluation shall, at a minimum, describe the effect of such exemption on:

(a) The cost and timeliness of transporting recovered materials within the state;

(b) The volume of recovered materials transported within the state;

(c) The number of safety violations and traffic accidents related to transporting recovered materials within the state; and

(d) The availability of service related to transporting recovered materials from rural areas of the state.

(2) The department shall report the results of its evaluation to the appropriate standing committees of the legislature by October 1, 1993.

(3) The commission shall adopt rules requiring persons transporting recovered materials to submit information required under RCW 70.95.280. In adopting such rules, the commission shall include procedures to ensure the confidentiality of proprietary information.

**Sec. 213.** RCW 82.14.335 and 1993 sp.s. c 21 s 4 are each amended to read as follows:

The department of community, trade, and economic development shall adopt criteria to be used in making grants to cities under RCW 82.14.330(2). In developing the criteria, the department shall create a temporary advisory committee consisting of the director of community, trade, and economic development, two representatives nominated by the association of Washington cities, and two representatives nominated by the Washington association of sheriffs and police chiefs.

**Sec. 214.** RCW 82.23B.020 and 1992 c 73 s 7 are each amended to read as follows:

(1) An oil spill response tax is imposed on the privilege of receiving crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine terminal from a waterborne vessel or barge at the rate of two cents per barrel of crude oil or petroleum product received.

(2) In addition to the tax imposed in subsection (1) of this section, an oil spill administration tax is imposed on the privilege of receiving crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products



immediately after receipt of the same into the storage tanks of a marine terminal from a waterborne vessel or barge at the rate of three cents per barrel of crude oil or petroleum product.

(3) The taxes imposed by this chapter shall be collected by the marine terminal operator from the taxpayer. If any person charged with collecting the taxes fails to bill the taxpayer for the taxes, or in the alternative has not notified the taxpayer in writing of the imposition of the taxes, or having collected the taxes, fails to pay them to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she shall, nevertheless, be personally liable to the state for the amount of the taxes. Payment of the taxes by the owner to a marine terminal operator shall relieve the owner from further liability for the taxes.

(4) Taxes collected under this chapter shall be held in trust until paid to the department. Any person collecting the taxes who appropriates or converts the taxes collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. The taxes required by this chapter to be collected shall be stated separately from other charges made by the marine terminal operator in any invoice or other statement of account provided to the taxpayer.

(5) If a taxpayer fails to pay the taxes imposed by this chapter to the person charged with collection of the taxes and the person charged with collection fails to pay the taxes to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the taxes.

(6) The taxes shall be due from the marine terminal operator, along with reports and returns on forms prescribed by the department, within twenty-five days after the end of the month in which the taxable activity occurs.

(7) The amount of taxes, until paid by the taxpayer to the marine terminal operator or to the department, shall constitute a debt from the taxpayer to the marine terminal operator. Any person required to collect the taxes under this chapter who, with intent to violate the provisions of this chapter, fails or refuses to do so as required and any taxpayer who refuses to pay any taxes due under this chapter, shall be guilty of a misdemeanor as provided in chapter 9A.20 RCW.

(8) Upon prior approval of the department, the taxpayer may pay the taxes imposed by this chapter directly to the department. The department shall give its approval for direct payment under this section whenever it appears, in the department's judgment, that direct payment will enhance the administration of the taxes imposed under this chapter. The department shall provide by rule for the issuance of a direct payment certificate to any taxpayer qualifying for direct payment of the taxes. Good faith acceptance of a direct payment certificate by a terminal operator shall relieve the marine terminal operator from any liability for the collection or payment of the taxes imposed under this chapter.

(9) All receipts from the tax imposed in subsection (1) of this section shall be deposited into the state oil spill response account. All receipts from the tax imposed in subsection (2) of this section shall be deposited into the ((state)) oil spill administration account.

(10) Within forty-five days after the end of each calendar quarter, the office of financial management shall determine the balance of the oil spill response account as of the last day of that calendar quarter. Balance determinations by the office of financial management under this section are final and shall not be used to challenge the validity of any tax imposed under this chapter. The office of financial management shall promptly notify the departments of revenue and ecology of the account balance once a determination is made. For each subsequent calendar quarter, the tax imposed by subsection (1) of this section shall be imposed during the entire calendar quarter unless:

(a) Tax was imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than twenty-five million dollars; or

(b) Tax was not imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than fifteen million dollars.

(11) The office of marine safety, the department of revenue, and the department of community, trade, and economic development shall study tax credits for taxpayers employing vessels with the best achievable technology and the best available protection to reduce the risk of oil spills to the navigable waters of the state and submit the study to the appropriate standing committees of the legislature by December 1, 1992.

**Sec. 215.** RCW 82.61.070 and 1993 sp.s. c 25 s 409 are each amended to read as follows:

The department and the department of community, trade, and economic development shall jointly report to the legislature about the effects of this chapter on new manufacturing and research and development activities in this state. The report shall contain information concerning the number of deferral certificates granted, the amount of sales tax deferred, the number of jobs created and other information useful in measuring such effects. Reports shall be submitted by January 1, 1986, and by January 1 of each year through 1999.

**Sec. 216.** RCW 88.12.275 and 1986 c 217 s 11 are each amended to read as follows:

(1) Any person carrying passengers for hire on whitewater river sections in this state may register with the department of licensing. Each registration application shall be submitted annually on a form provided by the department of licensing and shall include the following information:

(a) The name, residence address, and residence telephone number, and the business name, address, and telephone number of the registrant;

(b) Proof that the registrant has liability insurance for a minimum of three hundred thousand dollars per claim for occurrences by the registrant and the registrant's employees that result in bodily injury or property damage; and

(c) Certification that the registrant will maintain the insurance for a period of not less than one year from the date of registration.

(2) The department of licensing shall charge a fee for each application, to be set in accordance with RCW 43.24.086.

(3) Any person advertising or representing themselves as having registered under this section who is not currently registered is guilty of a gross misdemeanor.

(4) The department of licensing shall submit annually a list of registered persons and companies to the department of community, trade, and economic development, tourism promotion division.

(5) If an insurance company cancels or refuses to renew insurance for a registrant during the period of registration, the insurance company shall notify the department of licensing in writing of the termination of coverage and its effective date not less than thirty days before the effective date of termination.

(a) Upon receipt of an insurance company termination notice, the department of licensing shall send written notice to the registrant that on the effective date of termination the department of licensing will suspend the registration unless proof of insurance as required by this section is filed with the department of licensing before the effective date of the termination.

(b) If an insurance company fails to give notice of coverage termination, this failure shall not have the effect of continuing the coverage.

(c) The department of licensing may suspend or revoke registration under this section if the registrant fails to maintain in full force and effect the insurance required by this section.

(6) The state of Washington shall be immune from any civil action arising from a registration under this section.

***\*Sec. 217. RCW 88.46.100 and 1991 c 200 s 423 are each amended to read as follows:***

***(1) In order to assist the state in identifying areas of the navigable waters of the state needing special attention, the owner or operator of a covered vessel shall notify the coast guard within one hour:***

***(a) Of the disability of the covered vessel if the disabled vessel is within twelve miles of the shore of the state; and***

***(b) Of a collision or a near miss incident within twelve miles of the shore of the state.***

***(2) The division of emergency management of the department of community, trade, and economic development and the office shall request the coast guard to notify the division of emergency management as soon as possible after the coast guard receives notice of a disabled covered vessel or of a collision or near miss incident within twelve miles of the shore of the state. The office shall negotiate an agreement with the coast guard governing***

*procedures for coast guard notification to the state regarding disabled covered vessels and collisions and near miss incidents.*

*(3) The office shall prepare a summary of the information collected under this section and provide the summary to the regional marine safety committees, the coast guard, and others in order to identify problems with the marine transportation system.*

*(4) For the purposes of this section:*

*(a) A tank vessel or cargo vessel is considered disabled if any of the following occur:*

*(i) Any accidental or intentional grounding;*

*(ii) The total or partial failure of the main propulsion or primary steering or any component or control system that causes a reduction in the maneuvering capabilities of the vessel;*

*(iii) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service, including but not limited to, fire, flooding, or collision with another vessel;*

*(iv) Any other occurrence that creates the serious possibility of an oil spill or an occurrence that may result in such a spill.*

*(b) A barge is considered disabled if any of the following occur:*

*(i) The towing mechanism becomes disabled;*

*(ii) The towboat towing the barge becomes disabled through occurrences defined in (a) of this subsection.*

*(c) A near miss incident is an incident that requires the pilot or master of a covered vessel to take evasive actions or make significant course corrections in order to avoid a collision with another ship or to avoid a grounding as required by the international rules of the road.*

*(5) Failure of any person to make a report under this section shall not be used as the basis for the imposition of any fine or penalty.*

\*Sec. 217 was vetoed. See message at end of chapter.

**Sec. 218.** RCW 90.56.280 and 1990 c 116 s 24 are each amended to read as follows:

It shall be the duty of any person discharging oil or hazardous substances or otherwise causing, permitting, or allowing the same to enter the waters of the state, unless the discharge or entry was expressly authorized by the department prior thereto or authorized by operation of law under RCW 90.48.200, to immediately notify the coast guard and the division of emergency management. The notice to the division of emergency management within the department of community, trade, and economic development shall be made to the division's twenty-four hour state-wide toll-free number established for reporting emergencies.

**NEW SECTION.** **Sec. 219.** The 1995 amendments to RCW 43.63A.465 (section 74 of this act) shall expire and be of no force and effect on January 1 in any year following the failure of the United States department of housing and

urban development to reimburse the state for the duties described in chapter 124, Laws of 1993.

**NEW SECTION.** Sec. 220. RCW 41.06.089 is decodified.

Passed the House January 27, 1995.

Passed the Senate April 7, 1995.

Approved by the Governor May 16, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 16, 1995.

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

"I am returning herewith, without my approval as to sections 1-6, 11, 19, 22-24, 42, 46-53, 73, 118, 119, 125-141, 143, 152, 153, 164, 165, 169-187, 195, 198, 201, 205, 206, and 217, Engrossed House Bill No. 1014 entitled:

"AN ACT Relating to obsolete references;"

Engrossed House Bill No. 1014 is an important effort to clarify the Revised Code of Washington (RCW) following the merger of the authorities of the former departments of Community Development and Trade and Economic Development into the new Department of Community, Trade, and Economic Development. It is necessary to update the RCW to reflect this change.

However, a number of sections in the bill conflict with changes in numerous other bills already enacted by the 1995 Legislature and signed into law. I am, therefore, vetoing these sections to provide technical clarification and to ensure that the intent of the most recent legislation is reflected in law.

For these reasons, I have vetoed sections 1-6, 11, 19, 22-24, 42, 46-53, 73, 118, 119, 125-141, 143, 152, 153, 164, 165, 169-187, 195, 198, 201, 205, 206, and 217 of Engrossed House Bill No. 1014.

With the exception of sections 1-6, 11, 19, 22-24, 42, 46-53, 73, 118, 119, 125-141, 143, 152, 153, 164, 165, 169-187, 195, 198, 201, 205, 206, and 217, Engrossed House Bill No. 1014 is approved."

## CHAPTER 400

[Engrossed House Bill 1305]

### GROWTH MANAGEMENT ACT—REVISIONS

AN ACT Relating to growth management; amending RCW 36.70A.040, 36.70A.110, and 36.70A.070; adding a new section to chapter 36.70A RCW; creating a new section; and declaring an emergency.

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

**Sec. 1.** RCW 36.70A.040 and 1993 sp.s. c 6 s 1 are each amended to read as follows:

(1) Each county that has both a population of fifty thousand or more and, until the effective date of this section, has had its population increase by more than ten percent in the previous ten years or, on or after the effective date of this section, has had its population increase by more than seventeen 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 conform with all of the requirements of 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, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section.

Once a county meets either of these sets of criteria, the requirement to conform with all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2) The county legislative authority of any county that does not meet either of the sets of criteria established under 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 conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county and the cities located within the county remain subject to all of the requirements of this chapter.

(3) Any county or city that is initially required to conform with all of the requirements of this chapter under subsection (1) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forest lands, and mineral resource lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, 1994, and if the county has a population of less than fifty thousand, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan by January 1, 1995, but if the governor makes written findings that a county with a population of less than fifty thousand or a city located within such a county is not making reasonable progress toward adopting a comprehensive plan and development regulations the governor may reduce this deadline for such actions to be taken by no more than one hundred eighty days. Any county or city subject to this subsection may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(4) Any county or city that is required to conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (h) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than four years from the date the county legislative authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(5) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the sets of criteria specified under subsection (1) of this section, and where applicable, 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 take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office of financial management; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan and development regulations that are consistent with and implement the comprehensive plan within four years of the certification by the office of financial management, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(6) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption.

**Sec. 2.** RCW 36.70A.110 and 1994 c 249 s 27 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the ~~((population))~~ growth management ~~((planning))~~ population projection made for the county by the office of financial management, the urban growth areas in the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. 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 adequate existing public facility and service capacities to serve such development, ~~((and))~~ second in areas already characterized by urban growth that will be served adequately 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, and third in the remaining portions of the urban growth areas. Urban growth may also be located in



designated new fully contained communities as defined by RCW 36.70A.350.  
~~((Further, it is))~~

~~(4)~~ In general, cities are the units of local government most appropriate  
~~((that))~~ to provide urban ~~((government))~~ governmental services ~~((be provided by~~  
~~cities, and))~~. In general, it is not appropriate that urban ~~((government))~~  
governmental services ~~((should not))~~ be ~~((provided))~~ extended to or expanded in  
rural areas except in those limited circumstances shown to be necessary to  
protect basic public health and safety and the environment and when such  
services are financially supportable at rural densities and do not permit urban  
development.

~~((4))~~ (5) On or before October 1, 1993, each county that was initially  
 required to plan under RCW 36.70A.040(1) shall adopt development regulations  
 designating interim urban growth areas under this chapter. Within three years  
 and three months of the date the county legislative authority of a county adopts  
 its resolution of intention or of certification by the office of financial manage-  
 ment, all other counties that are required or choose to plan under RCW  
 36.70A.040 shall adopt development regulations designating interim urban  
 growth areas under this chapter. Adoption of the interim urban growth areas  
 may only occur after public notice; public hearing; and compliance with the state  
 environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110. Such  
 action may be appealed to the appropriate growth management hearings board  
 under RCW 36.70A.280. Final urban growth areas shall be adopted at the time  
 of comprehensive plan adoption under this chapter.

~~((5))~~ (6) Each county shall include designations of urban growth areas in  
 its comprehensive plan.

**Sec. 3.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each amended to  
 read as follows:

The comprehensive plan of a county or city that is required or chooses to  
 plan under RCW 36.70A.040 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 RCW 36.70A.140.

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 appropriate land uses that are compatible with the rural character of such lands and provide for a variety of rural densities and uses and may also provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural uses not characterized by urban growth.

(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 RCW 36.70A.040, 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. 4. A comprehensive plan adopted or amended before the effective date of this act shall be considered to be in compliance with RCW 36.70A.070 or 36.70A.110, as in effect before their amendment by this act, if the comprehensive plan is in compliance with RCW 36.70A.070 and 36.70A.110 as amended by this act. This section shall not be construed to alter the relationship between a county-wide planning policy and comprehensive plans as specified under RCW 36.70A.210.

As to any appeal relating to compliance with RCW 36.70A.070 or 36.70A.110 pending before a growth management hearings board on the effective date of this act, the board may take up to an additional ninety days to resolve such appeal. By mutual agreement of all parties to the appeal, this additional ninety-day period may be extended.

**\*NEW SECTION.** *Sec. 5. A new section is added to chapter 36.70A RCW to read as follows:*

*Where the county has classified mineral lands pursuant to RCW 36.70A.050 and mineral resource lands of long-term commercial significance exist, a county, city, or town shall designate sufficient mineral resource lands in the comprehensive plans to meet the projected twenty-year, county-wide need. Once designated, mineral resource uses, including operations as defined in RCW 78.44.031, shall be established as an allowed use in local development regulations.*

*The county, city, or town shall designate mineral resource deposits, both active and inactive, in economically viable proximity to locations where the deposits are likely to be used.*

*Through its comprehensive plan and development regulations, as defined in RCW 36.70A.030, the county, city, or town shall discourage the siting of incompatible uses adjacent to mineral resource industries, deposits, and holdings.*

*The county-wide need and proximity provisions of this section do not apply to metals mining and milling operations as defined in RCW 78.56.020.*

*For the purposes of this section, "long-term commercial significance" includes the mineral composition of the land for long-term economically viable commercial production, in consideration with the mineral resource land's proximity to population areas, product markets, and the possibility of more intense uses of the land.*

\*Sec. 5 was vetoed. See message at end of chapter.

**NEW SECTION.** *Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.*

Passed the House April 20, 1995.

Passed the Senate April 14, 1995.

Approved by the Governor May 16, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 16, 1995.

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

"I am returning herewith, without my approval as to section 5, Engrossed House Bill No. 1305 entitled:

"AN ACT Relating to growth management;"

Many of the provisions of Engrossed House Bill No. 1305 are the product of long and difficult negotiations between affected parties. I am impressed with these efforts to

resolve a range of problems that have developed since the implementation of the Growth Management Act (GMA).

The GMA is an important foundation for land use planning in the state. It is appropriate that the legislature fine-tune the GMA to solve practical problems that develop as local communities work to implement important guidelines.

Engrossed House Bill No. 1305 restates a key principle: local governments have broad discretion and a wide variety of choices to make in implementing growth management. However, local discretion is not unlimited. Local governments must also address statewide planning goals and provisions.

Section 5 of this bill presents difficult problems. This provision responds to the growing shortage of sand and gravel and to land use conflicts over surface mining. While I am mindful of the need for local governments to make hard choices up front when siting needed facilities, the language in this provision takes too much authority from local governments. Most importantly, section 5 stands to impair the ability of local governments to determine whether or not to permit mining facilities and to impair the authority of local governments to condition those permits.

This issue will continue to be a legislative and a court concern until local governments and the industry again work to negotiate their differences either on a statewide or regional basis. I strongly encourage local governments and industry representatives to resolve their differences in order to meet the need for additional facilities without encroaching on the land use authority of local governments.

For these reasons, I have vetoed section 5 of Engrossed House Bill No. 1305.

With the exception of section 5, Engrossed House Bill No. 1305 is approved."

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## CHAPTER 401

[Engrossed Substitute Senate Bill 5244]

### DEPENDENT CHILDREN—AID TO FAMILIES WITH DEPENDENT CHILDREN

AN ACT Relating to the definition of "dependent child" for purposes of aid to families with dependent children; amending RCW 74.12.010; adding new sections to chapter 74.12 RCW; adding a new section to chapter 74.20A RCW; and creating a new section.

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

*\*Sec. 1. RCW 74.12.010 and 1992 c 136 s 2 are each amended to read as follows:*

*For the purposes of the administration of aid to families with dependent children assistance, the term "dependent child" means any child in need under the age of eighteen years who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of the parent, and who is living with a relative as specified under federal aid to families with dependent children program requirements, in a place of residence maintained by one or more of such relatives as his or their homes.*

*Neither the definition of "dependent child" under this section nor any other provision under this chapter shall limit the requirements of the department to provide notification to parents under section 2 of this act or limit the right of a responsible parent to be excused from providing support for a dependent child under sections 4 and 5 of this act.*

*The term a "dependent child" shall, notwithstanding the foregoing, also include a child who would meet such requirements except for his removal from*

*the home of a relative specified above as a result of a judicial determination that continuation therein would be contrary to the welfare of such child, for whose placement and care the state department of social and health services or the county office is responsible, and who has been placed in a licensed or approved child care institution or foster home as a result of such determination and who: (1) Was receiving an aid to families with dependent children grant for the month in which court proceedings leading to such determination were initiated; or (2) would have received aid to families with dependent children for such month if application had been made therefor; or (3) in the case of a child who had been living with a specified relative within six months prior to the month in which such proceedings were initiated, would have received aid to families with dependent children for such month if in such month he had been living with such a relative and application had been made therefor, as authorized by the Social Security Act: PROVIDED, That to the extent authorized by the legislature in the biennial appropriations act and to the extent that matching funds are available from the federal government, aid to families with dependent children assistance shall be available to any child in need who has been deprived of parental support or care by reason of the unemployment of a parent or stepparent liable under this chapter for support of the child.*

*"Aid to families with dependent children" means money payments, services, and remedial care with respect to a dependent child or dependent children and the needy parent or relative with whom the child lives and may include another parent or stepparent of the dependent child if living with the parent and if the child is a dependent child by reason of the physical or mental incapacity or unemployment of a parent or stepparent liable under this chapter for the support of such child.*

\*Sec. 1 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 74.12 RCW to read as follows:

(1) Whenever the department receives an application for assistance on behalf of a child under this chapter and an employee of the department has reason to believe that the child has suffered abuse or neglect, the employee shall cause a report to be made as provided under chapter 26.44 RCW.

(2) Whenever the department approves an application for assistance on behalf of a child under this chapter, the department shall make a reasonable effort to determine whether the child is living with a parent of the child. Whenever the child is living in the home of a relative other than a parent of the child, the department shall make reasonable efforts to notify the parent with whom the child has most recently resided that an application for assistance on behalf of the child has been approved by the department and shall advise the parent of his or her rights under sections 2 through 5 of this act, unless good cause exists not to do so based on a substantiated claim that the parent has abused or neglected the child.

(3) Upon written request of the parent, the department shall notify the parent of the address and location of the child, unless there is a current investigation or pending case involving abuse or neglect by the parent under chapter 13.34 RCW.

(4) The department shall notify and advise the parent of the provisions of the family reconciliation act under chapter 13.32A RCW.

**NEW SECTION.** Sec. 3. A new section is added to chapter 74.12 RCW to read as follows:

The department shall make reasonable efforts to notify the parent under section 2(2) of this act as soon as reasonably possible, but no later than seven days after approval of the application by the department.

**\*NEW SECTION.** Sec. 4. A new section is added to chapter 74.12 RCW to read as follows:

*A parent may be excused from providing support for a dependent child receiving assistance as provided under section 5 of this act.*

\*Sec. 4 was vetoed. See message at end of chapter.

**\*NEW SECTION.** Sec. 5. A new section is added to chapter 74.20A RCW to read as follows:

*(1) For the purpose of this title or Title 26 RCW, a responsible parent shall be excused from providing support for a dependent child receiving public assistance, if the responsible parent is the legal custodian of the child and the parent meets the requirements under this section. The responsible parent shall only be excused for any period during which the parent meets the requirements. In order to be excused, the responsible parent must establish:*

*(a) He or she is the legal custodian of the child;*

*(b) When there is a question or dispute regarding the parent having legal custody of the child, a court or administrative tribunal of competent jurisdiction has entered an order providing legal and physical custody of the child to the responsible parent;*

*(c) When a custody order is required under (b) of this subsection, the custody order has not been modified, superseded, or dismissed;*

*(d) The child receiving public assistance left the home of the responsible parent without that parent's consent and there is no current investigation, pending case, or court order involving abuse or neglect by the parent under chapter 13.34 RCW; and*

*(e) Within a reasonable time after the child's absence from the home, he or she has exerted reasonable efforts to regain physical custody of the child.*

*(2) The department shall adopt rules to implement the requirements of this section.*

\*Sec. 5 was vetoed. See message at end of chapter.

**\*NEW SECTION.** Sec. 6. *By October 1, 1995, the department shall request the governor to seek congressional action on any federal legislation that may be necessary to implement any sections of this act. By October 1, 1995, the department shall request the governor to seek federal agency action*

*on any federal regulation that may require a federal waiver. By January 1 of each year, the department shall report to the legislature on the status of its efforts to obtain any federal statutory or regulatory waivers provided in this section. If all federal statutory or regulatory waivers necessary to fully implement this act have not been obtained, the department shall report the extent to which this act can be implemented without receipt of such waivers. The reporting requirement under this section shall terminate upon a report from the department that all waivers necessary to implement this act have been obtained.*

\*Sec. 6 was vetoed. See message at end of chapter.

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.

Passed the Senate April 23, 1995.

Passed the House April 23, 1995.

Approved by the Governor May 16, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 16, 1995.

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

"I am returning herewith, without my approval as to sections 1, 4, 5, and 6, Engrossed Substitute Senate Bill No. 5244 entitled:

"AN ACT Relating to the definition of "dependent child" for purposes of aid to families with dependent children;"

The primary goal of Engrossed Substitute Senate Bill No. 5244 is to provide information and support to parents whose children have chosen to leave home. Letting parents know, in appropriate situations, that their child is safe, living with a relative, and receiving public assistance benefits is an important improvement to children's services. It is equally important to let these parents know that family reconciliation services are available. This policy is parallel to the provisions which encourage parental notification contained in Engrossed Second Substitute Senate Bill No. 5439 (the Becca Bill), previously enacted into law, and to the Runaway Hotline which facilitates family reconciliation through the provision of information about services available to families.

However, this bill also relieves parents, whose child has left home without their permission, from the obligation to financially support that child if the child is receiving Aid to Families with Dependent Children (AFDC). The state of Washington expects all parents to provide their children with care, support, and guidance. This obligation extends to cases where circumstances are such that a child leaves the parental home, moves in with a relative, and receives AFDC. There is no justification for requiring the taxpayer to support these children and not look to their parents for a contribution to this cost.

For this reason, I am vetoing sections 1, 4, 5, and 6 of Engrossed Substitute Senate Bill No. 5244.

With the exception of sections 1, 4, 5, and 6, Engrossed Substitute Senate Bill No. 5244 is approved."



## CHAPTER 402

[Engrossed Second Substitute Senate Bill 5632]

## FLOOD DAMAGE REDUCTION

AN ACT Relating to flood damage reduction; amending RCW 36.70A.060, 36.70A.070, 36.70A.170, 43.21C.020, 75.20.100, 75.20.103, 75.20.130, 79.90.150, 79.90.300, 85.38.200, 86.15.030, 86.15.050, 86.15.160, 86.26.105, 90.58.180, 86.12.200, 90.58.030, and 47.28.140; adding new sections to chapter 75.20 RCW; adding a new section to chapter 79.90 RCW; adding a new section to chapter 43.17 RCW; adding a new section to chapter 86.26 RCW; creating new sections; repealing RCW 79.90.325; and declaring an emergency.

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

**NEW SECTION.** **Sec. 1.** The legislature finds that river and stream systems can threaten public and private property during flood events. River systems react in different ways: When some rivers flood, they scour; others fill in by sediment deposition. The legislature further finds that when placing or removing organic debris in a river that scours, it may be appropriate to place more debris for fish habitat; if it is a river that deposits sediments and tends to fill in then it may be appropriate to remove deposits to create some deeper pools and a better flow pattern, that will help fish habitat as well as lessen flood danger. The legislature therefore declares that reducing flood damage through the use of structural and nonstructural projects is in the public interest and that it is the duty of the state to assist in funding flood control projects. Structural and nonstructural projects include but are not limited to: Streambank stabilization, river channel maintenance, land use restrictions, land buy-outs, flood easements, and emergency notification. The legislature further declares that counties be given the flexibility to make those decisions that are best for their particular rivers, rather than prescribe or constrain local government to the point where they cannot manage their different types of rivers. The legislature further declares that local governments should coordinate flood planning and flood projects so that the projects do not cause flooding in other areas. Counties and cities are encouraged to coordinate using watershed planning areas to provide consistent planning throughout a water's course.

**Sec. 2.** RCW 36.70A.060 and 1991 sp.s. c 32 s 21 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this subsection may not prohibit uses legally existing on any parcel prior to their adoption and shall remain in effect until the county or city adopts development regulations pursuant to RCW 36.70A.120. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of

minerals. Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within three hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.

(2) Each county and city shall adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170. For counties and cities that are required or choose to plan under RCW 36.70A.040, such development regulations shall be adopted on or before September 1, 1991. For the remainder of the counties and cities, such development regulations shall be adopted on or before March 1, 1992.

(3) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may alter such designations and development regulations to insure consistency.

(4) Forest land and agricultural land located within urban growth areas shall not be designated by a county or city as forest land or agricultural land of long-term commercial significance under RCW 36.70A.170 unless the city or county has enacted a program authorizing transfer or purchase of development rights.

(5) All development regulations developed under this section shall be consistent with the comprehensive flood control management plan adopted by the county under RCW 86.26.105.

**Sec. 3.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 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, and the comprehensive flood control management plan adopted by the county under RCW 86.26.105. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

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 RCW 36.70A.040, 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.

**Sec. 4.** RCW 36.70A.170 and 1990 1st ex.s. c 17 s 17 are each amended to read as follows:

(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 RCW 36.70A.050, and shall make such designations so that they are consistent with the comprehensive flood control management plan adopted by the county under RCW 86.26.105.

Sec. 5. RCW 43.21C.020 and 1971 ex.s. c 109 s 2 are each amended to read as follows:

(1) The legislature, recognizing that ~~((man))~~ people depend~~((s))~~ on ~~((his))~~ their biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well~~((t))~~, and recognizing further the profound impact of ~~((man's))~~ human activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource utilization and exploitation, and new and expanding technological advances, and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of ~~((man))~~ people, declares that it is the continuing policy of the state of Washington, in cooperation with federal and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to: (a) Foster and promote the general welfare; (b) ~~((t))~~ create and maintain conditions under which ~~((man))~~ people and nature can exist in productive harmony; and (c) fulfill the social, economic, and other requirements of present and future generations of Washington citizens.

(2) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the state of Washington and all agencies of the state to use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(b) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(d) Preserve important historic, cultural, and natural aspects of our national heritage;

(e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; ~~((and))~~

(g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources; and

(h) Provide for the prevention, minimization, and repair of flood damage as defined in RCW 86.16.120.

(3) The legislature recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

**\*NEW SECTION.** *Sec. 6. A new section is added to chapter 75.20 RCW to read as follows:*

*Unless the context clearly requires otherwise, the definitions in this section apply to RCW 75.20.100, 75.20.103, and 75.20.130.*

(1) *"Bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by humans.*

(2) *"Commercial" means any facility or building used for commerce, including those used for agricultural or industrial purposes.*

(3) *"Emergency" means an immediate threat to life, public land, or private property, or an immediate threat of serious environmental degradation.*

(4) *"Streambank stabilization" includes but is not limited to log and debris removal; bank protection including riprap, jetties, and groins; gravel removal; and erosion control.*

(5) *"To construct any form of hydraulic project or perform other work" does not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.*

*\*Sec. 6 was vetoed. See message at end of chapter.*

**\*NEW SECTION.** *Sec. 7. A new section is added to chapter 75.20 RCW to read as follows:*

*The permitting department may impose the following conditions on persons applying under RCW 75.20.100 or 75.20.103:*

(1) *The permittee shall establish an excavation line. "Excavation line" means a line on the dry bed, parallel to the water's edge unless otherwise stated, that changes with water level fluctuations.*

(2) *The permittee may not remove bed material from the water side of the excavation line.*

(3) *The permittee shall begin excavating at the excavation line and proceed toward the bank, perpendicular to the alignment of the watercourse.*

(4) *The permittee shall keep the maximum distance of excavation toward the bank from the excavation line approximately equal throughout the excavation zone. "Excavation zone" means the area between the excavation line and the bank.*

(5) *The permittee shall identify the excavation zone with boundary markers.*

(6) *The permittee shall maintain a minimum one-half percent gradient upward from the excavation line in the excavation zone.*

(7) *The permittee shall ensure that the excavation zone is free of pits or potholes.*

(8) *The permittee shall not stockpile or spoil excavated materials within the ordinary high water line except from June 15 to October 15.*

(9) *The permittee may not allow any equipment within the wetted perimeter of the watercourse without specific permission.*

(10) *The permittee shall dispose of debris in the excavation zone so it does not reenter the watercourse.*

(11) *The permittee may not perform gravel washing or crushing operations below the ordinary high water line.*

(12) *The permittee shall be allowed to remove only that amount of rock, sand, gravel, or silt which is naturally replenished on an annual basis, except in instances where a lapse in material removal has occurred. If such lapse has occurred, then an amount of material equivalent to the amount estimated to have accumulated since the last material removal operation, including debris and vegetation, may be removed.*

*\*Sec. 7 was vetoed. See message at end of chapter.*

*\*Sec. 8. RCW 75.20.100 and 1993 sp.s. c 2 s 30 are each amended to read as follows:*

*(1) In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the written approval of the department as to the adequacy of the means proposed for the protection of fish life. The department may not limit, condition, or otherwise affect the amount, timing, or delivery method of water diverted under chapter 90.03 RCW after the water leaves the stream channel and before it is returned to the stream. This approval shall not be unreasonably withheld. Except as provided in RCW 75.20.1001 (~~and 75.20.1002~~), the department shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if ((~~1~~)) (a) after ten*

working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; ~~((2))~~ (b) the site is physically inaccessible for inspection; or ~~((3))~~ (c) the applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay. Approval is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned.

(2) In making a decision as to whether fish life is protected, the department of fish and wildlife shall determine if a project as proposed or modified:

(a) Presents no substantial risk to fish life and provides fish habitat productivity equivalent to preproject conditions at the project site within two years of the project's completion; or

(b)(i) Protects a residential, commercial, industrial, or public facility or structure that is likely to incur significant flood damage during the next flood season if the project is not completed; and (ii) lessens the loss of fish life or habitat as compared to a project resulting from an emergency request under this section.

The department with jurisdiction shall approve a project if it determines that the project meets either (a) or (b) of this subsection.

(3) Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent. If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

((For the purposes of this section and RCW 75.20.103, "bed" shall mean the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.



~~The phrase "to construct any form of hydraulic project or perform other work" shall not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.)~~

*(4) In case of an emergency arising from weather or stream flow conditions or other natural conditions, upon request the department, through its authorized representatives, shall ~~((issue))~~ grant immediately ~~((upon request))~~, oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or ~~((to protect))~~ protecting property threatened by the stream or a change in the stream flow without ~~((the necessity of obtaining))~~ requiring a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately upon request, for a stream crossing during an emergency situation.*

*(5) This section shall not apply to the repair of an existing flood control project if the project is determined by the county to be:*

*(a) Consistent with a currently approved comprehensive flood control management plan; and*

*(b) Necessary to avoid flood damage during the next flood season.*

*(6) This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 75.20.103.*

\*Sec. 8 was vetoed. See message at end of chapter.

\*Sec. 9. RCW 75.20.103 and 1993 sp.s. c 2 s 32 are each amended to read as follows:

*(1) In the event that any person or government agency desires to construct any form of hydraulic project or other work that diverts water for agricultural irrigation or stock watering purposes, or when such hydraulic project or other work is associated with streambank stabilization or flood damage reduction to protect farm and agricultural land as defined in RCW 84.34.020, and when such ~~((diversion or streambank stabilization))~~ hydraulic project will use, divert, obstruct, or change the natural flow or bed of any river or stream or will utilize any waters of the state or materials from the stream beds, the person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure a written approval from the department as to the adequacy of the means proposed for the protection of fish life. The department may not limit, condition, or otherwise affect the amount, timing, or delivery method of water diverted under chapter 90.03 RCW*

after the water leaves the stream channel and before it is returned to the stream. This approval shall not be unreasonably withheld. Except as provided in RCW 75.20.1001 ((and 75.20.1002)), the department shall grant or deny the approval within forty-five calendar days of the receipt of a complete application ((and notice of compliance with any applicable requirements of the state environmental policy act,)) made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail.

(2) A complete application for an approval shall:

(a) Contain general plans for the overall project, complete plans and specifications of the proposed construction or work within ordinary high water line, and complete plans and specifications for the proper protection of fish life; and

(b) Not be required to include notice of compliance with any applicable requirements of the state environmental policy act. Final approval of a project may not be granted until any applicable requirements of the state environmental policy act have been satisfied.

(3) The forty-five day requirement shall be suspended if ((+));

(a) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; ((2))

(b) The site is physically inaccessible for inspection; ((or (3)))

(c) After forty-four days of receipt of a complete application, a notice of compliance with the state environmental policy act has not been issued; or

(d) The applicant requests delay.

(4) Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(5) In making a decision as to whether fish life is protected, the department shall determine if a project as proposed or modified:

(a) Presents no substantial risk to fish life and provides fish habitat productivity equivalent to preproject conditions at the project site within two years of the project's completion; or

(b)(i) Protects a residential, commercial, industrial, or public facility or structure that is likely to incur significant flood damage during the next flood season if the project is not completed; and (ii) lessens the loss of fish life or habitat as compared to a project resulting from an emergency request under this section.

The department shall approve a project if it determines that the project meets either (a) or (b) of this subsection.

(6) An approval shall remain in effect without need for periodic renewal for projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. Approval for streambank stabilization projects shall remain in effect without need for

*periodic renewal if the problem causing the need for the streambank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the approval.*

*(7) The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Issuance, denial, conditioning, or modification shall be appealable to the hydraulic appeals board established in RCW 43.21B.005 within thirty days of the notice of decision. The burden shall be upon the department to show that the denial or conditioning of an approval is solely aimed at the protection of fish life.*

*(8) The department may, after consultation with the permittee, modify an approval due to changed conditions. The modifications shall become effective unless appealed to the hydraulic appeals board within thirty days from the notice of the proposed modification. The burden is on the department to show that changed conditions warrant the modification in order to protect fish life.*

*(9) A permittee may request modification of an approval due to changed conditions. The request shall be processed within forty-five calendar days of receipt of the written request. A decision by the department may be appealed to the hydraulic appeals board within thirty days of the notice of the decision. The burden is on the permittee to show that changed conditions warrant the requested modification and that such modification will not impair fish life.*

*(10) If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.*

*(11) In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing*

within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately upon request, for a stream crossing during an emergency.

~~((For purposes of this chapter, "streambank stabilization" shall include but not be limited to log and debris removal, bank protection (including riprap, jetties, and groins), gravel removal and erosion control.))~~

(12) This section shall not apply to a project involving the repair of an existing flood control facility if the project is determined by the county to be:

(a) Consistent with a previously approved comprehensive flood control management plan; and

(b) Necessary to avoid flood damage during the next flood season.

\*Sec. 9 was vetoed. See message at end of chapter.

\*Sec. 10. RCW 75.20.130 and 1993 sp.s. c 2 s 37 are each amended to read as follows:

(1) There is hereby created within the environmental hearings office under RCW 43.21B.005 the hydraulic appeals board of the state of Washington.

(2) The hydraulic appeals board shall consist of three members: The director of the department of ecology or the director's designee, the director of the department of agriculture or the director's designee, and the director or the director's designee of the department whose action is appealed under subsection (6) of this section. A decision must be agreed to by at least two members of the board to be final.

(3) The board may adopt rules necessary for the conduct of its powers and duties or for transacting other official business.

(4) The board shall make findings of fact and prepare a written decision in each case decided by it, and that finding and decision shall be effective upon being signed by two or more board members and upon being filed at the hydraulic appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The board has exclusive jurisdiction to hear appeals arising from the approval, denial, conditioning, or modification of a hydraulic approval issued by the department under the authority granted in RCW 75.20.103 for the diversion of water for agricultural irrigation or stock watering purposes or when associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020.

(6)(a) Any person aggrieved by the approval, denial, conditioning, or modification of a hydraulic approval pursuant to RCW 75.20.103 may seek review from the board by filing a request for the same within thirty days of notice of the approval, denial, conditioning, or modification of such approval.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

**(c) If a review proceeding authorized in (a) of this subsection finds for the aggrieved permit applicant, the applicant may be awarded any legal and engineering costs involved in challenging the permit decision.**

\*Sec. 10 was vetoed. See message at end of chapter.

**NEW SECTION.** **Sec. 11.** A new section is added to chapter 79.90 RCW to read as follows:

(1) Use or modification, or both, of any river system must involve basic hydraulic principles, as well as harmonize as much as possible with existing aquatic ecosystems, and human needs.

(2) The department, commissioner, and board shall:

(a) Give priority consideration to the preservation of the streamway environment with special attention given to preservation of those areas considered aesthetically or environmentally unique for stream segments with a naturally unconfined channel;

(b) Encourage bank and island stabilization programs which rely mainly on natural vegetative systems as holding elements;

(c) Encourage research to develop alternative methods of channel control, utilizing natural systems of stabilization;

(d) Recognize natural plant and animal communities and other features that provide an ecological balance to a streamway in evaluating competing human uses and require protection from significant human impact; and

(e) Recognize that hydraulic conditions may require the installation of riprap or other similar measure to further protect natural systems of stabilization.

(3) No person may remove normal stream depositions of logs, uprooted tree snags, and stumps which abut on shorelands and do not intrude on the navigational channel or reduce flow, or adversely redirect a river course, and are not harmful to life and property without the department's permission but the department must consider the need to protect the resultant dependent aquatic systems.

(4) No person may fill indentations such as mudholes, eddies, pools, and aeration drops without permission of the department.

(5) The department may permit river channel relocations only when an overriding public benefit can be shown. Filling, grading, lagooning, or dredging which would result in substantial detriment to navigable waters by reason of erosion, sedimentation, or impairment of fish and aquatic life are not authorized.

(6) No person may remove sand and gravel below the wetted perimeter of navigable rivers unless authorized by a hydraulics permit issued by either the department of fisheries or department of wildlife under RCW 75.20.100 and 75.20.103. These removals may be authorized for maintenance and improvement of navigational channels or for creating backwater channels for fish rearing or improvement of the flow capacity of the channels.

(7) The department may allow sand and gravel removals above the wetted perimeter of a navigable river which are not harmful to public health and safety when any or all of the following situations exist:

- (a) The removal is designed to create or improve a feature such as a pond, wetland, or other habitat valuable for fish and wildlife;
  - (b) The removal provides recreational benefits;
  - (c) The removal will aid in reducing a detrimental accumulation of aggregates in downstream lakes, reservoirs, and river beds;
  - (d) The removal will aid in reducing damage to private or public land and property abutting a navigable river; or
  - (e) The removal will contribute to increased flood protection for private or public land.
- (8) The department may not allow sand and gravel removals above the wetted perimeter of a navigable river when:
- (a) The location of such material is below a dam and has inadequate supplementary feeding of gravel or sand;
  - (b) Removal will cause unstable hydraulic conditions detrimental to fish, wildlife, public health, and safety; or
  - (c) Removal will impact esthetics of nearby recreational facilities.
- (9) No person may perform bank dumping or junk revetment on aquatic lands.
- (10) The department shall condition sand and gravel removal leases to allow removal of only that amount which is naturally replenished on an annual basis, except in instances where a lapse in material removal has occurred. If such a lapse has occurred, then an amount of material equivalent to the amount estimated to have accumulated since the last material removal operation, including debris and vegetation, may be removed if consistent with the county comprehensive flood control management plan.

**Sec. 12.** RCW 79.90.150 and 1991 c 337 s 1 are each amended to read as follows:

When gravel, rock, sand, silt or other material from any aquatic lands is removed by any public agency or under public contract for channel or harbor improvement, or flood control, use of such material may be authorized by the department of natural resources for a public purpose on land owned or leased by the state or any municipality, county, or public corporation: PROVIDED, That when no public land site is available for deposit of such material, its deposit on private land with the landowner's permission is authorized and may be designated by the department of natural resources to be for a public purpose. Prior to removal and use, the state agency, municipality, county, or public corporation contemplating or arranging such use shall first obtain written permission from the department of natural resources. No payment of royalty shall be required for such gravel, rock, sand, silt, or other material used for such public purpose, but a charge will be made if such material is subsequently sold or used for some other purpose: PROVIDED, That the department may authorize such public agency or private landowner to dispose of such material without charge when necessary to implement disposal of material. No charge shall be required for any use of the material obtained under the provisions of this

chapter when used solely on an authorized site. No charge shall be required for any use of the material obtained under the provisions of this chapter if the material is used for public purposes by local governments. No charge may be required for removal or use of such material if the removal of the material is determined by the county engineer or equivalent position to be for flood control purposes. Public purposes include, but are not limited to, construction and maintenance of roads, dikes, and levies. Nothing in this section shall repeal or modify the provisions of RCW 75.20.100 or eliminate the necessity of obtaining a permit for such removal from other state or federal agencies as otherwise required by law.

**Sec. 13.** RCW 79.90.300 and 1991 c 322 s 26 are each amended to read as follows:

(1) The department of natural resources, upon application by any person or when determined by the department to be in the best interest of the state, may enter into a contract or lease providing for the removal and sale of rock, gravel, sand, and silt, or other valuable materials located within or upon beds of navigable waters, or upon any tidelands or shorelands belonging to the state and providing for payment to be made therefor by such royalty as the department may fix, by negotiation, by sealed bid, or at public auction. If application is made for the purchase of any valuable material situated within or upon aquatic lands the department shall inspect and appraise the value of the material in the application. The department may reduce or eliminate royalties in areas prone to flooding. The department may include a provision in contracts for the removal of rock, gravel, sand, or silt that allows for payment to be made as the material is sold.

(2) The department shall actively seek to encourage through permit requirements and adjusted fees the removal of accumulated materials from rivers and streams where there is a flood damage reduction benefit. The department shall develop policies to accomplish this goal.

**Sec. 14.** RCW 85.38.200 and 1986 c 278 s 8 are each amended to read as follows:

(1) Territory that is (~~contiguously located~~) adjoining or in close proximity to a special district may be annexed by the special district as provided in this section under the petition and election, resolution and election, or direct petition method of annexation.

(2) An annexation under the election method may be initiated by the filing of a petition requesting the action that is signed by at least ten owners of property in the area proposed to be annexed or the adoption of a resolution requesting such action by the governing body of the special district. The petitions shall be filed with the governing body of the special district that is requested to annex the territory. An election to authorize an annexation initiated under the petition and election method may be held only if the governing body approves the annexation. An annexation under either election method shall be

authorized if the voters of the area proposed to be annexed approve a ballot proposition favoring the annexation by a simple majority vote. The annexation shall be effective when results of an election so favoring the annexation are certified by the county auditor or auditors. The election, notice of the election, and eligibility to vote at the election shall be as provided for the creation of a special district.

(3) An annexation under the direct petition method of annexation may be accomplished if the owners of a majority of the acreage proposed to be annexed sign a petition requesting the annexation, and the governing body of the special district approves the annexation. The petition shall be filed with the governing body of the special district. The annexation shall be effective when the governing body approves the annexation.

(4) Whenever a special district annexes territory under this section, the exclusive method by which the special district measures and imposes special assessments upon real property within the entire enlarged area shall be as set forth in RCW 85.38.150 through 85.38.170.

**Sec. 15.** RCW 86.15.030 and 1969 ex.s. c 195 s 2 are each amended to read as follows:

Upon receipt of a petition asking that a zone be created, or upon motion of the board, the board shall adopt a resolution which shall describe the boundaries of such proposed zone; describe in general terms the flood control needs or requirements within the zone; set a date for public hearing upon the creation of such zone, which shall be not more than thirty days after the adoption of such resolution. Notice of such hearing and publication shall be had in the manner provided in RCW 36.32.120(7).

At the hearing scheduled upon the resolution, the board shall permit all interested parties to be heard. Thereafter, the board may reject the resolution or it may modify the boundaries of such zone and make such other corrections or additions to the resolutions as they deem necessary to the accomplishment of the purpose of this chapter: **PROVIDED**, That if the boundaries of such zone are enlarged, the board shall hold an additional hearing following publication and notice of such new boundaries: **PROVIDED FURTHER**, That the boundaries of any zone shall generally follow the boundaries of the watershed area affected: **PROVIDED FURTHER**, That the immediately preceding proviso shall in no way limit or be construed to prohibit the formation of a county-wide flood control zone district authorized to be created by RCW 86.15.025.

Within ~~((ten))~~ thirty days after final hearing on a resolution, the board shall issue its ~~((order))~~ ordinance creating the flood control zone district.

**Sec. 16.** RCW 86.15.050 and 1961 c 153 s 5 are each amended to read as follows:

The board ~~((of county commissioners of each county))~~ shall be ex officio, by virtue of their office, supervisors of the zones created in each county. The



supervisors of the district shall conduct the business of the flood control zone district according to the regular rules and procedures that it adopts.

**Sec. 17.** RCW 86.15.160 and 1986 c 278 s 60 are each amended to read as follows:

For the purposes of this chapter the supervisors may authorize:

(1) An annual excess ad valorem tax levy within any zone or participating zones when authorized by the voters of the zone or participating zones under RCW 84.52.052 and 84.52.054;

(2) An assessment upon property, including state property, specially benefited by flood control improvements or storm water control improvements imposed under chapter 86.09 RCW;

(3) Within any zone or participating zones an annual ad valorem property tax levy of not to exceed fifty cents per thousand dollars of assessed value when the levy will not take dollar rates that other taxing districts may lawfully claim and that will not cause the combined levies to exceed the constitutional and/or statutory limitations, and the additional levy, or any portion thereof, may also be made when dollar rates of other taxing units is released therefor by agreement with the other taxing units from their authorized levies under chapter 39.67 RCW;

(4) A charge, under RCW 36.89.080 through 36.89.100, for the furnishing of service to those who are receiving or will receive benefits from storm water control facilities ~~((and))~~ or who are contributing to an increase in surface water runoff. Except as otherwise provided in RCW 90.03.525, any public entity and public property, including the state and state property, shall be liable for the charges to the same extent a private person and privately owned property is liable for the charges, and in setting these rates and charges, consideration may be made of in-kind services, such as stream improvements or donation of property;

(5) The creation of local improvement districts and utility local improvement districts, the issuance of improvement district bonds and warrants, and the imposition, collection, and enforcement of special assessments on all property, including any state-owned or other publicly-owned property, specially benefited from improvements in the same manner as provided for counties by chapter 36.94 RCW.

**Sec. 18.** RCW 86.26.105 and 1986 c 46 s 5 are each amended to read as follows:

~~((A comprehensive flood control management plan shall determine the need for flood control work, consider alternatives to in-stream flood control work, identify and consider potential impacts of in-stream flood control work on the state's in-stream resources, and identify the river's meander belt or floodway.))~~  
A comprehensive flood control management plan shall be completed and adopted ~~((within at least three years of the certification that it is being prepared, as provided in RCW 86.26.050))~~ by any county that has experienced at least two

presidentially declared flood disasters within the most recent ten-year period by December 31, 1999, or within two years of a second presidentially declared flood disaster.

If ((after this three year period has elapsed)), by December 31, 1999, or by the end of the two-year period following a second presidentially declared flood disaster such a comprehensive flood control plan has not been completed and adopted, grants for flood control maintenance projects shall not be made to the county or municipal corporations in the county until a comprehensive flood control plan is completed and adopted by the appropriate local authority. These limitations on grants shall not preclude allocations for emergency purposes made pursuant to RCW 86.26.060, however priority consideration for emergency assistance shall be given to those counties required to plan under this section who have completed their plans.

*\*Sec. 19. RCW 90.58.180 and 1994 c 253 s 3 are each amended to read as follows:*

*(1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a request for the same within thirty days of the date of filing as defined in RCW 90.58.140(6).*

*Concurrently with the filing of any request for review with the board as provided in this section pertaining to a final order of a local government, the requestor shall file a copy of his or her request with the department and the attorney general. If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor. The failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor. The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the request for review filed pursuant to this section. The shorelines hearings board shall initially schedule review proceedings on such requests for review without regard as to whether such requests have or have not been certified or as to whether the period for the department or the attorney general to intervene has or has not expired, unless such review is to begin within thirty days of such scheduling. If at the end of the thirty day period for certification neither the department nor the attorney general has certified a request for review, the hearings board shall remove the request from its review schedule.*

*(2) The department or the attorney general may obtain review of any final order granting a permit, or granting or denying an application for a permit issued by a local government by filing a written request with the shorelines*

hearings board and the appropriate local government within thirty days from the date the final order was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board is governed by chapter 34.05 RCW.

(4) If the review proceedings authorized in subsection (1) of this section find for the requestor, and if the requestor is the permit applicant, the requestor may be awarded any legal and engineering costs involved in challenging the permit decision.

(5) A local government may appeal to the shorelines hearings board any rules, regulations, or guidelines adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

If the board determines that the rule, regulation, or guideline:

(a) Is clearly erroneous in light of the policy of this chapter; or

(b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

(c) Is arbitrary and capricious; or

(d) Was developed without fully considering and evaluating all material submitted to the department by the local government; or

(e) Was not adopted in accordance with required procedures;

the board shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government, a new rule, regulation, or guideline. Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect.

~~((5))~~ (6) Rules, regulations, and guidelines shall be subject to review in superior court, if authorized pursuant to RCW 34.05.570(2). No review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection ~~((4))~~ (5) of this section and the petition for court review is filed within three months after the date of final decision by the shorelines hearings board.

\*Sec. 19 was vetoed. See message at end of chapter.

\*NEW SECTION. Sec. 20. A new section is added to chapter 43.17 RCW to read as follows:

Each appropriate agency shall actively seek to encourage through permit requirements the removal of accumulated materials from rivers and streams where there is a measurable flood damage reduction benefit. Each agency shall develop policies to accomplish this goal. Policies should consider the

*benefits of a designed, open-channel hydraulic engineering criteria to facilitate the natural downstream movement of detrimental material.*

\*Sec. 20 was vetoed. See message at end of chapter.

Sec. 21. RCW 86.12.200 and 1991 c 322 s 3 are each amended to read as follows:

The county legislative authority of any county may adopt a comprehensive flood control management plan for any drainage basin that is located wholly or partially within the county.

A comprehensive flood control management plan shall include the following elements:

(1) Designation of areas that are susceptible to periodic flooding, from inundation by bodies of water or surface water runoff, or both, including the river's meander belt or floodway;

(2) Establishment of a comprehensive scheme of flood control protection and improvements for the areas that are subject to such periodic flooding, that includes: (a) Determining the need for, and desirable location of, flood control improvements to protect or preclude flood damage to structures, works, and improvements, based upon a ~~((cost/benefit))~~ cost-benefit ratio between the expense of providing and maintaining these improvements and the benefits arising from these improvements; (b) establishing the level of flood protection that each portion of the system of flood control improvements will be permitted; (c) identifying and considering alternatives to in-stream flood control work; (d) the impact of in-stream flood control work on the state's in-stream resources; (e) identifying areas where flood waters could be directed during a flood to avoid damage to buildings and other structures; ~~((and (e)))~~ (f) identifying areas where a river may migrate into a new channel and developing options to prevent the creation of the new channel; (g) identifying practices that will avoid long-term accretion of sediments; and (h) identifying sources of revenue that will be sufficient to finance the comprehensive scheme of flood control protection and improvements;

(3) Establishing land use regulations that preclude the location of structures, works, or improvements in critical portions of such areas subject to periodic flooding, including a river's meander belt or floodway, and permitting only flood-compatible land uses in such areas;

(4) Establishing restrictions on construction activities in areas subject to periodic floods that require the flood proofing of those structures that are permitted to be constructed or remodeled; and

(5) Establishing restrictions on land clearing activities and development practices that exacerbate flood problems by increasing the flow or accumulation of flood waters, or the intensity of drainage, on low-lying areas. Land clearing activities do not include forest practices as defined in chapter 76.09 RCW.

A comprehensive flood control management plan shall be subject to the minimum requirements for participation in the national flood insurance program, requirements exceeding the minimum national flood insurance program that have

been adopted by the department of ecology for a specific flood plain pursuant to RCW 86.16.031, and rules adopted by the department of ecology pursuant to chapter 86.16 RCW and RCW 86.26.050 relating to flood plain management activities. When a county plans under chapter 36.70A RCW, it (~~may~~) must incorporate the portion of its comprehensive flood control management plan relating to land use restrictions in its comprehensive plan and development regulations adopted pursuant to chapter 36.70A RCW.

**Sec. 22.** RCW 90.58.030 and 1987 c 474 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

(a) "Department" means the department of ecology;

(b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta—from DeWolf Bight to Tatsolo Point,

(B) Birch Bay—from Point Whitehorn to Birch Point,

(C) Hood Canal—from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area—from Brown Point to Yokeko Point, and

(E) Padilla Bay—from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those wetlands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous flood plain areas landward two hundred feet from such floodways; and all marshes, bogs, swamps, and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology (~~(- PROVIDED, That)~~). However, any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet (~~(therefrom)~~);

(g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative

ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Improvements to dikes and levees if the improvement is determined by a county to be consistent with a comprehensive flood control management plan developed under chapter 86.26 RCW;

(iii) Construction of the normal protective bulkhead common to single family residences;

~~((iii))~~ (iv) Emergency construction necessary to protect property from damage by the elements;

~~((iv))~~ (v) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: PROVIDED, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock

hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

~~((v+))~~ (vi) Construction or modification of navigational aids such as channel markers and anchor buoys;

~~((v+))~~ (vii) Construction on wetlands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

~~((v+))~~ (viii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences, the cost of which does not exceed two thousand five hundred dollars;

~~((+))~~ (ix) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

~~((+))~~ (x) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

~~((+))~~ (xi) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

~~((+))~~ (xii) Any action commenced prior to December 31, 1982, pertaining to (A) the restoration of interim transportation services as may be necessary as a consequence of the destruction of the Hood Canal bridge, including, but not limited to, improvements to highways, development of park and ride facilities, and development of ferry terminal facilities until a new or reconstructed Hood Canal bridge is open to traffic; and (B) the reconstruction of a permanent bridge at the site of the original Hood Canal bridge.

**Sec. 23.** RCW 47.28.140 and 1991 c 322 s 29 are each amended to read as follows:

When in the opinion of the governing authorities representing the department and any agency, instrumentality, municipal corporation, or political subdivision of the state of Washington, any highway, road, or street will be benefited or improved by constructing, reconstructing, locating, relocating, laying out, repairing, surveying, altering, improving, or maintaining, or by the establishment adjacent to, under, upon, within, or above any portion of any such highway, road, or street of an urban public transportation system, by either the department or any agency, instrumentality, municipal corporation, or political subdivision of the



state, and it is in the public interest to do so, the authorities may enter into cooperative agreements wherein either agrees to perform the work and furnish the materials necessary and pay the cost thereof, including necessary engineering assistance, which costs and expenses shall be reimbursed by the party whose responsibility it was to do or perform the work or improvement in the first instance. The work may be done by either day labor or contract, and the cooperative agreement between the parties shall provide for the method of reimbursement. In the case of some special benefit or improvement to a state highway derived from ~~((any project that assists in preventing or minimizing flood damages as defined in RCW 86.16.120 or from))~~ the construction of any public works project, including any urban public transportation system, the department may contribute to the cost thereof by making direct payment to the particular state department, agency, instrumentality, municipal corporation, or political subdivision on the basis of benefits received, but such payment shall be made only after a cooperative agreement has been entered into for a specified amount or on an actual cost basis prior to the commencement of the particular public works project.

In the case of a special benefit or improvement to a state highway derived from a project that assists in preventing or reducing flood damages as defined in RCW 86.16.120, the department shall contribute to the cost of the benefit or improvement by making direct payment to the particular state department, agency, instrumentality, municipal corporation, or political subdivision on the basis of contribution to the problem or benefits received. The department may make payment only after an agreement has been entered into between the department and the appropriate state or local government entity. The department shall contribute costs on the basis of benefits received.

**NEW SECTION.** Sec. 24. A new section is added to chapter 86.26 RCW to read as follows:

A flood protection project is work necessary to preserve, restore, or improve either natural or human-made stream banks or flood control facilities that repair or prevent flood damage as defined in RCW 86.16.120 including but not limited to damage by erosion, stream flow, sheet runoff, or other damages by the sea or other bodies of water.

**NEW SECTION.** Sec. 25. The department of transportation shall provide to the respective counties an inventory of all state highways and bridges, that are located in federal emergency management agency-designated flood plains, and are located within each county with two or more presidentially declared flood disasters within the most recent ten-year period. The department of transportation shall provide any available flood plain information to assist the counties as they prepare the county comprehensive flood control management plan. The department shall provide input and cooperate with the counties in identifying any state roads or bridges that may cause a constriction to the natural flow of flood waters. The department shall also assist the counties in identifying state roads

that, either by themselves or in conjunction with levees or other structures in the flood plain, may potentially entrap floodwaters in areas originally intended to be floodproofed. The county comprehensive flood control management plan should identify flooding events that pose a serious threat to critical transportation facilities in the form of damage to a roadway or to a bridge, or closure to the roadway or bridge during times of a flooding emergency.

**NEW SECTION.** Sec. 26. A new section is added to chapter 75.20 RCW to read as follows:

By December 31, 1996, the departments of fish and wildlife, natural resources, and ecology shall jointly develop a memorandum of understanding to facilitate the consideration of projects that will aid in the minimization or prevention of flood damage as defined in RCW 86.16.120. To reduce the duplication of information required by a project's permits, the departments must provide in their memorandum procedures to share data to the extent practicable among themselves and with other agencies that may be involved in approving or denying a permit application. The departments' memorandum must provide a plan to implement a comprehensive permit process that is streamlined and easily understandable to permit applicants.

**NEW SECTION.** Sec. 27. RCW 79.90.325 and 1984 c 212 s 10 are each repealed.

**NEW SECTION.** Sec. 28. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act is null and void.

***\*NEW SECTION.*** Sec. 29. *This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.*

\*Sec. 29 was vetoed. See message at end of chapter.

Passed the Senate March 14, 1995.

Passed the House April 20, 1995.

Approved by the Governor May 16, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 16, 1995.

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

"I am returning herewith, without my approval as to sections 6, 7, 8, 9, 10, 19, 20, and 29, Engrossed Second Substitute Senate Bill No. 5632 entitled:

"AN ACT Relating to flood damage reduction;"

Engrossed Second Substitute Senate Bill No. 5632 makes changes to the way local governments and state agencies are to plan for and to prevent flooding. The intent and much of the content of the bill is laudable. We do need to work together to reduce the likelihood of damage from future floods. I commend the members of the legislature for their hard work on this difficult task.

I am concerned, however, that this bill removes or significantly weakens many protections for our environment in favor of allowing nearly unfettered dredging and

diking of our rivers. Instead, we must take a balanced approach that includes adapting our land use practices to reduce flood damage.

Section 6 adds definitions to the hydraulic code which is a primary tool for protecting fish habitat. These changes would have the effect of limiting the application of the code and would cause confusion to the applications. It could also make it harder to deal with real emergencies.

Section 7 places portions of the hydraulic code rules in statute with changes that would be detrimental to fish habitat, including changing the minimum gradient required in hydraulic excavations. This change reduces flexibility of the Department of Fish and Wildlife and decreases the opportunities to work with permittees to consider site specific conditions.

Sections 8 and 9 amend the hydraulic code and require the Department of Fish and Wildlife to approve a hydraulic application if the project protects a structure that is likely to incur significant flood damage during the next flood season. Approval is also mandated if the project provides fish habitat productivity equivalent to pre-project conditions within two years. This requirement places an unreasonable burden on the Department of Fish and Wildlife to predict future floods. It could also place certain fish runs at grave risk.

The overall effect of sections 6, 7, 8, and 9 would be to reduce the effectiveness of the Department of Fish and Wildlife in working with permittees to ensure that instream projects do little harm to fish habitat. At a time when we have so much to do to restore and protect salmon runs in our state, it is inappropriate to further limit one of the few tools we have to protect salmon habitat. I believe strongly that the Department of Fish and Wildlife should continue to extend the utmost cooperation to permit applicants, especially for projects to reduce flood damage. I am directing the Department of Fish and Wildlife, along with my staff, to review the permitting process and to suggest ways to make the hydraulic code more user-friendly.

Sections 10 and 19 award legal and engineering costs to aggrieved permit applicants but not to others who might appeal a permitting decision. An applicant might want to raise a flood control dike with the effect of shifting floodwater to a landowner downstream. That downstream landowner should have the same possibility of being awarded costs upon successful appeal as the permit applicant. Sections 901-904 of Engrossed Substitute House Bill No. 1010 allow a broader range of individuals to recover up to \$25,000 of the cost of appealing an agency action — including permit decisions.

Section 20 directs "each appropriate agency" to encourage the removal of gravel where there is a flood damage reduction benefit. The same agencies are to "consider the benefits of a designed, open-channel hydraulic engineering criteria to facilitate the natural downstream movement of detrimental material." This directive is contrary to agencies' missions elsewhere in statute, such as protecting fish and wildlife and conserving shorelines.

Section 29 is an emergency clause providing that this bill take effect immediately upon my signing. This legislation addresses issues of overwhelming importance to the people of this state. Preventing this bill from being subject to a referendum under Article II, section 1 (b) of the state Constitution unnecessarily denies the people of this state their power, at their own option, to approve or reject this bill at the polls.

For these reasons, I have vetoed sections 6, 7, 8, 9, 10, 19, 20, and 29 of Engrossed Second Substitute Senate Bill No. 5632.

With the exception of sections 6, 7, 8, 9, 10, 19, 20, and 29, Engrossed Second Substitute Senate Bill No. 5632 is approved."

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## CHAPTER 403

[Engrossed Substitute House Bill 1010]

## REGULATORY REFORM

AN ACT Relating to regulatory reform; amending RCW 43.21A.080, 43.70.040, 82.01.060, 46.01.110, 50.12.040, 76.09.040, 77.04.090, 48.02.060, 48.30.010, 48.44.050, 48.46.200, 34.05.310, 34.05.320, 34.05.313, 34.05.325, 19.85.030, 19.85.040, 34.05.660, 42.40.010, 42.40.020, 42.40.030, 18.104.155, 49.17.180, 70.94.431, 70.105.080, 70.132.050, 70.138.040, 86.16.081, 90.03.600, 90.48.144, 90.58.210, 90.58.560, 90.76.080, 34.05.230, 34.05.330, 34.05.370, 34.05.570, 34.05.534, and 19.02.075; adding new sections to chapter 43.12 RCW; adding a new section to chapter 43.20A RCW; adding new sections to chapter 43.23 RCW; adding new sections to chapter 43.24 RCW; adding new sections to chapter 43.22 RCW; adding a new section to chapter 70.94 RCW; adding new sections to chapter 34.05 RCW; adding new sections to chapter 19.85 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 43.300 RCW; adding a new section to chapter 1.08 RCW; adding new sections to chapter 4.84 RCW; adding a new section to chapter 43.88 RCW; adding a new section to chapter 19.02 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 34.05.355 and 19.85.060; and prescribing penalties.

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

**NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) One of its fundamental responsibilities, to the benefit of all the citizens of the state, is the protection of public health and safety, including health and safety in the workplace, and the preservation of the extraordinary natural environment with which Washington is endowed;

(b) Essential to this mission is the delegation of authority to state agencies to implement the policies established by the legislature; and that the adoption of administrative rules by these agencies helps assure that these policies are clearly understood, fairly applied, and uniformly enforced;

(c) Despite its importance, Washington's regulatory system must not impose excessive, unreasonable, or unnecessary obligations; to do so serves only to discredit government, makes enforcement of essential regulations more difficult, and detrimentally affects the economy of the state and the well-being of our citizens.

(2) The legislature therefore enacts chapter . . . , Laws of 1995 (this act), to be known as the regulatory reform act of 1995, to ensure that the citizens and environment of this state receive the highest level of protection, in an effective and efficient manner, without stifling legitimate activities and responsible economic growth. To that end, it is the intent of the legislature, in the adoption of this act, that:

(a) Unless otherwise authorized, substantial policy decisions affecting the public be made by those directly accountable to the public, namely the legislature, and that state agencies not use their administrative authority to create or amend regulatory programs;

(b) When an agency is authorized to adopt rules imposing obligations on the public, that it do so responsibly: The rules it adopts should be justified and reasonable, with the agency having determined, based on common sense criteria established by the legislature, that the obligations imposed are truly in the public interest;

(c) Governments at all levels better coordinate their regulatory efforts to avoid confusing and frustrating the public with overlapping or contradictory requirements;

(d) The public respect the process whereby administrative rules are adopted, whether or not they agree with the result: Members of the public affected by administrative rules must have the opportunity for a meaningful role in their development; the bases for agency action must be legitimate and clearly articulated;

(e) Members of the public have adequate opportunity to challenge administrative rules with which they have legitimate concerns through meaningful review of the rule by the executive, the legislature, and the judiciary. While it is the intent of the legislature that upon judicial review of a rule, a court should not substitute its judgment for that of an administrative agency, the court should determine whether the agency decision making was rigorous and deliberative; whether the agency reached its result through a process of reason; and whether the agency took a hard look at the rule before its adoption;

(f) In order to achieve greater compliance with administrative rules at less cost, that a cooperative partnership exist between agencies and regulated parties that emphasizes education and assistance before the imposition of penalties; and

(g) Workplace safety and health in this state not be diminished, whether provided by constitution, by statute, or by rule.

## PART I GRANTS OF AUTHORITY

**NEW SECTION.** Sec. 101. A new section is added to chapter 43.12 RCW to read as follows:

For rules adopted after the effective date of this section, the commissioner of public lands may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule.

**NEW SECTION.** Sec. 102. A new section is added to chapter 43.20A RCW to read as follows:

For rules adopted after the effective date of this section, the secretary may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule.

**Sec. 103.** RCW 43.21A.080 and 1970 ex.s. c 62 s 8 are each amended to read as follows:

The director of the department of ecology is authorized to adopt such rules and regulations as are necessary and appropriate to carry out the provisions of this chapter: PROVIDED, That the director may not adopt rules after the effective date of this section that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing

the agency, or on any combination of such provisions, for statutory authority to adopt the rule.

**NEW SECTION. Sec. 104.** A new section is added to chapter 43.23 RCW to read as follows:

For rules adopted after the effective date of this section, the director of agriculture may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule.

**Sec. 105.** RCW 43.70.040 and 1989 1st ex.s. c 9 s 106 are each amended to read as follows:

In addition to any other powers granted the secretary, the secretary may:

(1) Adopt, in accordance with chapter 34.05 RCW, rules necessary to carry out the provisions of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.: PROVIDED, That for rules adopted after the effective date of this section, the secretary may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule;

(2) Appoint such advisory committees as may be necessary to carry out the provisions of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess. Members of such advisory committees are authorized to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060. The secretary and the board of health shall review each advisory committee within their jurisdiction and each statutory advisory committee on a biennial basis to determine if such advisory committee is needed. The criteria specified in RCW 43.131.070 shall be used to determine whether or not each advisory committee shall be continued;

(3) Undertake studies, research, and analysis necessary to carry out the provisions of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess. in accordance with RCW 43.70.050;

(4) Delegate powers, duties, and functions of the department to employees of the department as the secretary deems necessary to carry out the provisions of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.;

(5) Enter into contracts on behalf of the department to carry out the purposes of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.;

(6) Act for the state in the initiation of, or the participation in, any intergovernmental program to the purposes of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.; or

(7) Accept gifts, grants, or other funds.

**Sec. 106.** RCW 82.01.060 and 1977 c 75 s 92 are each amended to read as follows:

The director of revenue, hereinafter in ~~((this 1967 amendatory act))~~ chapter 26, Laws of 1967 ex. sess. referred to as the director, through the department of revenue, hereinafter in ~~((this 1967 amendatory act))~~ chapter 26, Laws of 1967 ex. sess. referred to as the department, shall:

(1) Assess and collect all taxes and administer all programs relating to taxes which are the responsibility of the tax commission at the time (~~this 1967 amendatory act~~) chapter 26, Laws of 1967 ex. sess. takes effect or which the legislature may hereafter make the responsibility of the director or of the department;

(2) Make, adopt and publish such rules (~~and regulations~~) as he or she may deem necessary or desirable to carry out the powers and duties imposed upon him or her or the department by the legislature: PROVIDED, That the director may not adopt rules after the effective date of this section that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule;

(3) Rules (~~and regulations~~) adopted by the tax commission (~~prior to~~) before the effective date of this (~~1967 amendatory act~~) section shall remain in force until such time as they may be revised or rescinded by the director;

~~((3))~~ (4) Provide by general regulations for an adequate system of departmental review of the actions of the department or of its officers and employees in the assessment or collection of taxes;

~~((4))~~ (5) Maintain a tax research section with sufficient technical, clerical and other employees to conduct constant observation and investigation of the effectiveness and adequacy of the revenue laws of this state and of the sister states in order to assist the governor, the legislature and the director in estimation of revenue, analysis of tax measures, and determination of the administrative feasibility of proposed tax legislation and allied problems;

~~((5))~~ (6) Recommend to the governor such amendments, changes in, and modifications of the revenue laws as seem proper and requisite to remedy injustice and irregularities in taxation, and to facilitate the assessment and collection of taxes in the most economical manner.

NEW SECTION. Sec. 107. A new section is added to chapter 43.24 RCW to read as follows:

For rules adopted after the effective date of this section, the director of the department of licensing may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute.

Sec. 108. RCW 46.01.110 and 1979 c 158 s 120 are each amended to read as follows:

The director of licensing is hereby authorized to adopt and enforce such reasonable rules (~~and regulations~~) as may be consistent with and necessary to carry out the provisions relating to vehicle licenses, certificates of ownership and license registration and drivers' licenses not in conflict with the provisions of Title 46 RCW: PROVIDED, That the director of licensing may not adopt rules

after the effective date of this section that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule.

Sec. 109. RCW 50.12.040 and 1973 1st ex.s. c 158 s 3 are each amended to read as follows:

~~((Regular))~~ Permanent and emergency rules ~~((and regulations))~~ shall be adopted, amended, or repealed by the commissioner in accordance with the provisions of Title 34 RCW and the rules ~~((or regulations))~~ adopted pursuant thereto: PROVIDED, That the commissioner may not adopt rules after the effective date of this section that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule.

\*Sec. 110. RCW 76.09.040 and 1994 c 264 s 48 are each amended to read as follows:

(1) *Where necessary to accomplish the purposes and policies stated in RCW 76.09.010, and to implement the provisions of this chapter, the board shall ~~((promulgate))~~ adopt forest practices ~~((regulations))~~ rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in this section: PROVIDED, That the board may not adopt rules after the effective date of this section that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule.*

*(2) The board shall adopt rules that:*

- (a) Establish minimum standards for forest practices;*
- (b) Provide procedures for the voluntary development of resource management plans which may be adopted as an alternative to the minimum standards in (a) of this subsection if the plan is consistent with the purposes and policies stated in RCW 76.09.010 and the plan meets or exceeds the objectives of the minimum standards;*
- (c) Set forth necessary administrative provisions; and*
- (d) Establish procedures for the collection and administration of forest practice fees as set forth by this chapter.*

*Forest practices ~~((regulations))~~ rules pertaining to water quality protection shall be ~~((promulgated))~~ adopted individually by the board and by the department of ecology after they have reached agreement with respect thereto. All other forest practices ~~((regulations))~~ rules shall be ~~((promulgated))~~ adopted by the board.*

*Forest practices ~~((regulations))~~ rules shall be administered and enforced by the department except as otherwise provided in this chapter. Such*



~~((regulations))~~ rules shall be ~~((promulgated))~~ adopted and administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

~~((2))~~ (3) The board shall prepare proposed forest practices ~~((regulations))~~ rules. In addition to any forest practices ~~((regulations))~~ rules relating to water quality protection proposed by the board, the department of ecology shall prepare proposed forest practices ~~((regulations))~~ rules relating to water quality protection.

Prior to initiating the rule making process, the proposed ~~((regulations))~~ rules shall be submitted for review and comments to the department of fish and wildlife and to the counties of the state. After receipt of the proposed forest practices ~~((regulations))~~ rules, the department of fish and wildlife and the counties of the state shall have thirty days in which to review and submit comments to the board, and to the department of ecology with respect to its proposed ~~((regulations))~~ rules relating to water quality protection. After the expiration of such thirty day period the board and the department of ecology shall jointly hold one or more hearings on the proposed ~~((regulations))~~ rules pursuant to chapter 34.05 RCW. At such hearing(s) any county may propose specific forest practices ~~((regulations))~~ rules relating to problems existing within such county. The board and the department of ecology may adopt such proposals if they find the proposals are consistent with the purposes and policies of this chapter.

\*Sec. 110 was vetoed. See message at end of chapter.

Sec. 111. RCW 77.04.090 and 1984 c 240 s 1 are each amended to read as follows:

The commission shall adopt permanent rules and amendments to or repeals of existing rules by approval of four members by resolution, entered and recorded in the minutes of the commission: PROVIDED, That the commission may not adopt rules after the effective date of this section that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule. The commission shall adopt emergency rules by approval of four members. The commission or the director, when adopting emergency rules under RCW 77.12.150, shall adopt rules in conformance with chapter 34.05 RCW. Judicial notice shall be taken of the rules filed and published as provided in RCW 34.05.380 and 34.05.210.

A copy of an emergency rule, certified as a true copy by a member of the commission, the director, or by a person authorized in writing by the director to make the certification, is admissible in court as prima facie evidence of the adoption and validity of the rule.

**\*NEW SECTION.** Sec. 112. A new section is added to chapter 43.22 RCW to read as follows:

*For rules adopted after the effective date of this section, the director of the department of labor and industries may not rely solely on a statute's statement*

*of intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule: PROVIDED, That this section shall not apply to rules adopted pursuant to chapter 39.12 RCW. It is the intent of the legislature to retain the status quo and that the provisions of chapter . . . , Laws of 1995 (this act) shall neither explicitly or impliedly diminish nor expand the rule-making authority of the department under chapter 39.12 RCW.*

*\*Sec. 112 was vetoed. See message at end of chapter.*

*\*Sec. 113. RCW 48.02.060 and 1947 c 79 s .02.06 are each amended to read as follows:*

*(1) The commissioner shall have the authority expressly conferred upon him or her by or reasonably implied from the provisions of this code.*

*(2) The commissioner shall execute his or her duties and shall enforce the provisions of this code.*

*(3) The commissioner may:*

*(a) Make reasonable rules and regulations for effectuating any provision of this code, except those relating to his or her election, qualifications, or compensation: PROVIDED, That the commissioner may not adopt rules after the effective date of this section that are based solely on this statute, or on a statute's statement of intent or purpose, or on the enabling provisions of the statute establishing the agency, or any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of a statute. No such rules and regulations shall be effective prior to their being filed for public inspection in the commissioner's office.*

*(b) Conduct investigations to determine whether any person has violated any provision of this code.*

*(c) Conduct examinations, investigations, hearings, in addition to those specifically provided for, useful and proper for the efficient administration of any provision of this code.*

*\*Sec. 113 was vetoed. See message at end of chapter.*

*\*Sec. 114. RCW 48.30.010 and 1985 c 264 s 13 are each amended to read as follows:*

*(1) No person engaged in the business of insurance shall engage in unfair methods of competition or in unfair or deceptive acts or practices in the conduct of such business as such methods, acts, or practices ~~((are defined pursuant to subsection (2) of this section.~~*

*~~(2) In addition to such unfair methods and unfair or deceptive acts or practices)) as are expressly defined and prohibited by this code ((, the commissioner may from time to time by regulation promulgated pursuant to chapter 34.05 RCW, define other methods of competition and other acts and practices in the conduct of such business reasonably found by the commissioner to be unfair or deceptive.~~*

~~(3) No such regulation shall be made effective prior to the expiration of thirty days after the date of the order by which it is promulgated).~~

~~((4))~~ (2) If the commissioner has cause to believe that any person is violating any such ((regulation)) rule or prohibition of this code, the commissioner may order such person to cease and desist therefrom. The commissioner shall deliver such order to such person direct or mail it to the person by registered mail with return receipt requested. If the person violates the order after expiration of ten days after the cease and desist order has been received by him or her, he or she may be fined by the commissioner a sum not to exceed two hundred and fifty dollars for each violation committed thereafter.

~~((5))~~ (3) If any such ((regulation)) rule or prohibition of this code is violated, the commissioner may take such other or additional action as is permitted under the insurance code for violation of a ((regulation)) rule or that prohibition.

(4) Any permanent rule that was adopted by the commissioner under the authority of this section as it existed before the effective date of this section, and that was in effect as of the effective date of this section, shall, if otherwise valid, remain in effect until and unless it is repealed by the commissioner, who shall retain the authority to repeal any such rule, or is effectively repealed by an act of the legislature.

\*Sec. 114 was vetoed. See message at end of chapter.

\*Sec. 115. RCW 48.44.050 and 1947 c 268 s 5 are each amended to read as follows:

The insurance commissioner shall make reasonable regulations in aid of the administration of this chapter which may include, but shall not be limited to regulations concerning the maintenance of adequate insurance, bonds, or cash deposits, information required of registrants, and methods of expediting speedy and fair payments to claimants: PROVIDED, That the commissioner may not adopt rules after the effective date of this section that are based solely on this section, a statute's statement of intent or purpose, or on the enabling provisions of the statute establishing the agency, or any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of a statute.

\*Sec. 115 was vetoed. See message at end of chapter.

\*Sec. 116. RCW 48.46.200 and 1975 1st ex.s. c 290 s 21 are each amended to read as follows:

The commissioner may adopt, in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW, ((promulgate)) rules and regulations as necessary or proper to carry out the provisions of this chapter: PROVIDED, That the commissioner may not adopt rules after the effective date of this section that are based solely on this section, a statute's statement of intent or purpose, or on the enabling provisions of the statute establishing the agency, or any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures

**necessary to the implementation of a statute. Nothing in this chapter shall be construed to prohibit the commissioner from requiring changes in procedures previously approved by ~~((him))~~ the commissioner.**

\*Sec. 116 was vetoed. See message at end of chapter.

**NEW SECTION. Sec. 117.** A new section is added to chapter 70.94 RCW to read as follows:

(1) After the effective date of this section, the department may adopt or amend a rule under the authority of this chapter that exceeds the requirements of the federal clean air act or regulations adopted under it or that imposes burdens or obligations before the scheduled adoption of federal regulations addressing similar subject matter only after compliance with the procedures established in section 201 of this act.

(2) In fulfilling the requirements of section 201(1)(g)(ii) of this act, the department shall consider: (a) The differences between the proposed rule and the corresponding provisions of the federal clean air act; (b) the air quality problem that the proposed rule would address, including the sources of the problem and any factors that make the problem different in the state or in a part of the state than in other parts of the United States; and (c) the effect of the proposed rule in eliminating the problem or reducing its severity. This section shall not be interpreted to impede efforts to streamline or simplify federal air regulations that are developed with participation of the public and regulated entities.

(3) This section shall expire July 1, 1999.

**NEW SECTION. Sec. 118.** A new section is added to chapter 34.05 RCW under the subchapter heading Part III to read as follows:

For rules implementing statutes enacted after the effective date of this section, an agency may not rely solely on the section of law stating a statute's intent or purpose, or on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for its statutory authority to adopt the rule. An agency may use the statement of intent or purpose or the agency enabling provisions to interpret ambiguities in a statute's other provisions.

**\*NEW SECTION. Sec. 119.** A new section is added to chapter 34.05 RCW under the subchapter heading Part III to read as follows:

***Section 118 of this act does not apply to: The commissioner of public lands, the department of social and health services, the department of ecology, the department of agriculture, the department of health, the department of revenue, the department of licensing, the department of labor and industries, the employment security department, the forest practices board, the fish and wildlife commission, and the office of the insurance commissioner.***

\*Sec. 119 was vetoed. See message at end of chapter.

**PART II**  
**RULE-MAKING CRITERIA**

**NEW SECTION. Sec. 201.** A new section is added to chapter 34.05 RCW under the subchapter heading Part III to read as follows:

(1) Before adopting a rule described in subsection (5) of this section, an agency shall:

(a) Clearly state in detail the general goals and specific objectives of the statute that the rule implements;

(b) Determine that the rule is needed to achieve the general goals and specific objectives stated under (a) of this subsection, and analyze alternatives to rule making and the consequences of not adopting the rule;

(c) Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented;

(d) Determine, after considering alternative versions of the rule and the analysis required under (b) and (c) of this subsection, that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated under (a) of this subsection;

(e) Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law;

(f) Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law;

(g) Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by the following:

(i) A state statute that explicitly allows the agency to differ from federal standards; or

(ii) Substantial evidence that the difference is necessary to achieve the general goals and specific objectives stated under (a) of this subsection; and

(h) Coordinate the rule, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

(2) In making its determinations pursuant to subsection (1) (b) through (g) of this section, the agency shall place in the rule-making file documentation of sufficient quantity and quality so as to persuade a reasonable person that the determinations are justified.

(3) Before adopting rules described in subsection (5) of this section, an agency shall place in the rule-making file a rule implementation plan for rules filed under each adopting order. The plan shall describe how the agency intends to:

(a) Implement and enforce the rule, including a description of the resources the agency intends to use;

(b) Inform and educate affected persons about the rule;

(c) Promote and assist voluntary compliance; and

(d) Evaluate whether the rule achieves the purpose for which it was adopted, including, to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcomes.

(4) After adopting a rule described in subsection (5) of this section regulating the same activity or subject matter as another provision of federal or state law, an agency shall do all of the following:

(a) Provide to the business assistance center a list citing by reference the other federal and state laws that regulate the same activity or subject matter;

(b) Coordinate implementation and enforcement of the rule with the other federal and state entities regulating the same activity or subject matter by making every effort to do one or more of the following:

(i) Deferring to the other entity;

(ii) Designating a lead agency; or

(iii) Entering into an agreement with the other entities specifying how the agency and entities will coordinate implementation and enforcement.

If the agency is unable to comply with this subsection (4)(b), the agency shall report to the legislature pursuant to (c) of this subsection;

(c) Report to the joint administrative rules review committee:

(i) The existence of any overlap or duplication of other federal or state laws, any differences from federal law, and any known overlap, duplication, or conflict with local laws; and

(ii) Make recommendations for any legislation that may be necessary to eliminate or mitigate any adverse effects of such overlap, duplication, or difference.

(5)(a) Except as provided in (b) of this subsection, this section applies to:

(i) Significant legislative rules of the departments of ecology, labor and industries, health, revenue, and natural resources, the employment security department, the forest practices board, the office of the insurance commissioner, and to the legislative rules of the department of fish and wildlife implementing chapter 75.20 RCW; and

(ii) Any rule of any agency, if this section is voluntarily made applicable to the rule by the agency, or is made applicable to the rule by a majority vote of the joint administrative rules review committee within forty-five days of receiving the notice of proposed rule making under RCW 34.05.320.

(b) This section does not apply to:

(i) Emergency rules adopted under RCW 34.05.350;

(ii) Rules relating only to internal governmental operations that are not subject to violation by a nongovernment party;

(iii) Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of state-wide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards,

if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;

(iv) Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect;

(v) Rules the content of which is explicitly and specifically dictated by statute; or

(vi) Rules that set or adjust fees or rates pursuant to legislative standards.

(c) For purposes of this subsection:

(i) A "procedural rule" is a rule that adopts, amends, or repeals (A) any procedure, practice, or requirement relating to any agency hearings; (B) any filing or related process requirement for making application to an agency for a license or permit; or (C) any policy statement pertaining to the consistent internal operations of an agency.

(ii) An "interpretive rule" is a rule, the violation of which does not subject a person to a penalty or sanction, that sets forth the agency's interpretation of statutory provisions it administers.

(iii) A "significant legislative rule" is a rule other than a procedural or interpretive rule that (A) adopts substantive provisions of law pursuant to delegated legislative authority, the violation of which subjects a violator of such rule to a penalty or sanction; (B) establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit; or (C) adopts a new, or makes significant amendments to, a policy or regulatory program.

(d) In the notice of proposed rule making under RCW 34.05.320, an agency shall state whether this section applies to the proposed rule pursuant to (a)(i) of this subsection, or if the agency will apply this section voluntarily.

(6) By January 31, 1996, and by January 31st of each even-numbered year thereafter, the office of financial management, after consulting with state agencies, counties, and cities, and business, labor, and environmental organizations, shall report to the governor and the legislature regarding the effects of this section on the regulatory system in this state. The report shall document:

(a) The rules proposed to which this section applied and to the extent possible, how compliance with this section affected the substance of the rule, if any, that the agency ultimately adopted;

(b) The costs incurred by state agencies in complying with this section;

(c) Any legal action maintained based upon the alleged failure of any agency to comply with this section, the costs to the state of such action, and the result;

(d) The extent to which this section has adversely affected the capacity of agencies to fulfill their legislatively prescribed mission;

(e) The extent to which this section has improved the acceptability of state rules to those regulated; and

(f) Any other information considered by the office of financial management to be useful in evaluating the effect of this section.

**PART III  
PUBLIC PARTICIPATION**

**Sec. 301.** RCW 34.05.310 and 1994 c 249 s 1 are each amended to read as follows:

(1) To meet the intent of providing greater public access to administrative rule making and to promote consensus among interested parties, agencies shall solicit comments from the public on a subject of possible rule making before ~~((publication of))~~ filing with the code reviser a notice of proposed rule ~~((adoption))~~ making under RCW 34.05.320. The agency shall prepare a statement of ~~((intent))~~ inquiry that:

~~(a) ((States the specific statutory authority for the new rule;~~  
~~(b) Identifies the reasons the new rule is needed;~~  
~~(c) Identifies the goals of the new rule;~~  
~~(d) Describes))~~ Identifies the specific statute or statutes authorizing the agency to adopt rules on this subject;

(b) Discusses why rules on this subject may be needed and what they might accomplish;

(c) Identifies other federal and state agencies that regulate this subject, and describes the process whereby the agency would coordinate the contemplated rule with these agencies;

(d) Discusses the process by which the rule ~~((will))~~ might be developed, including, but not limited to, negotiated rule making, pilot rule making, or agency study; ~~((and))~~

(e) Specifies the process by which interested parties can effectively participate in the ~~((formulation of the))~~ decision to adopt a new rule and formulation of a proposed rule before its publication.

The statement of ~~((intent))~~ inquiry shall be filed with the code reviser for publication in the state register at least thirty days before the date the agency files notice of proposed rule making under RCW 34.05.320 and shall be sent to any party that has requested receipt of the agency's statements of ~~((intent))~~ inquiry.

(2) Agencies are encouraged to develop and use new procedures for reaching agreement among interested parties before publication of notice and the adoption hearing on a proposed rule. Examples of new procedures include, but are not limited to:

(a) Negotiated rule making ~~((which includes:~~  
~~(i) Identifying individuals and organizations that have a recognized interest in or will be significantly affected by the adoption of the proposed rule;~~  
~~(ii) Soliciting participation by persons who are capable, willing, and appropriately authorized to enter into such negotiations;~~  
~~(iii) Assuring that participants fully recognize the consequences of not participating in the process, are committed to negotiate in good faith, and recognize the alternatives available to other parties;~~



~~(iv) Establishing guidelines to encourage consideration of all pertinent issues, to set reasonable completion deadlines, and to provide fair and objective settlement of disputes that may arise;~~

~~(v) Agreeing on a reasonable time period during which the agency will be bound to the rule resulting from the negotiations without substantive amendment; and~~

~~(vi) Providing a mechanism by which one or more parties may withdraw from the process or the negotiations may be terminated if it appears that consensus cannot be reached on a draft rule that accommodates the needs of the agency, interested parties, and the general public and conforms to the legislative intent of the statute that the rule is intended to implement)) by which representatives of an agency and of the interests that are affected by a subject of rule making, including, where appropriate, county and city representatives, seek to reach consensus on the terms of the proposed rule and on the process by which it is negotiated; and~~

~~(b) Pilot rule making which includes testing the ((draft of a proposed rule)) feasibility of complying with or administering draft new rules or draft amendments to existing rules through the use of volunteer pilot ((study)) groups in various areas and circumstances, as provided in RCW 34.05.313 or as otherwise provided by the agency.~~

(3)(a) An agency must make a determination whether negotiated rule making, pilot rule making, or another process for generating participation from interested parties prior to development of the rule is appropriate.

(b) An agency must include a written justification in the rule-making file if an opportunity for interested parties to participate in the rule-making process prior to publication of the proposed rule has not been provided.

(4) This section does not apply to:

(a) Emergency rules adopted under RCW 34.05.350;

(b) Rules relating only to internal governmental operations that are not subject to violation by a nongovernment party;

(c) Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of state-wide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;

(d) Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect;

(e) Rules the content of which is explicitly and specifically dictated by statute;

(f) Rules that set or adjust fees or rates pursuant to legislative standards; or

(g) Rules that adopt, amend, or repeal;

(i) A procedure, practice, or requirement relating to agency hearings; or

(ii) A filing or related process requirement for applying to an agency for a license or permit.

**Sec. 302.** RCW 34.05.320 and 1994 c 249 s 14 are each amended to read as follows:

(1) At least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the state register. The publication constitutes the proposal of a rule. The notice shall include all of the following:

(a) A title, a description of the rule's purpose, and any other information which may be of assistance in identifying the rule or its purpose;

(b) Citations of the statutory authority for adopting the rule and the specific statute the rule is intended to implement;

(c) A summary of the rule and a statement of the reasons supporting the proposed action;

(d) The agency personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;

(e) The name of the person or organization, whether private, public, or governmental, proposing the rule;

(f) Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule;

(g) Whether the rule is necessary as the result of federal law or federal or state court action, and if so, a copy of such law or court decision shall be attached to the purpose statement;

(h) When, where, and how persons may present their views on the proposed rule;

(i) The date on which the agency intends to adopt the rule;

(j) A short explanation of the rule, its purpose, and anticipated effects, including in the case of a proposal that would modify existing rules, a short description of the changes the proposal would make; ~~((and))~~

(k) A ~~((statement indicating how a person can obtain a))~~ copy of the small business economic impact statement prepared under chapter 19.85 RCW, or an explanation for why the agency did not prepare the statement; and

(l) A statement indicating whether section 201 of this act applies to the rule adoption.

(2) Upon filing notice of the proposed rule with the code reviser, the adopting agency shall have copies of the notice on file and available for public inspection and shall forward three copies of the notice to the rules review committee.

(3) No later than three days after its publication in the state register, the agency shall cause a copy of the notice of proposed rule adoption to be mailed to each person ~~((who)),~~ city, and county that has made a request to the agency for a mailed copy of such notices. An agency may charge for the actual cost of providing ~~((individual))~~ a requesting party mailed copies of these notices.

(4) In addition to the notice required by subsections (1) and (2) of this section, an institution of higher education shall cause the notice to be published in the campus or standard newspaper of the institution at least seven days before the rule-making hearing.

Sec. 303. RCW 34.05.313 and 1993 c 202 s 4 are each amended to read as follows:

~~((H;))~~ (1) During the development of a rule or after its adoption, an agency ~~((determines that implementation may produce unreasonable economic, procedural, or technical burdens, agencies are encouraged to))~~ may develop methods for measuring or testing the feasibility of ~~((compliance))~~ complying with or administering the rule ~~((, including the use of voluntary pilot study groups))~~ and for identifying simple, efficient, and economical alternatives for achieving the goal of the rule. ~~((Measuring and testing methods should emphasize))~~ A pilot project shall include public notice, participation by ~~((persons who have a recognized interest in or are significantly affected by the adoption of the proposed rule))~~ volunteers who are or will be subject to the rule, a high level of involvement from agency management, ~~((consensus on issues and procedures among participants in the pilot group, assurance of fairness, and))~~ reasonable completion dates, and a process by which one or more parties may withdraw from the process or the process may be terminated ~~((if consensus cannot be reached on the rule)).~~ Volunteers who agree to test a rule and attempt to meet the requirements of the draft rule, to report periodically to the proposing agency on the extent of their ability to meet the requirements of the draft rule, and to make recommendations for improving the draft rule shall not be obligated to comply fully with the rule being tested nor be subject to any enforcement action or other sanction for failing to comply with the requirements of the draft rule.

(2) An agency conducting a pilot rule project authorized under subsection (1) of this section may waive one or more provisions of agency rules otherwise applicable to participants in such a pilot project if the agency first determines that such a waiver is in the public interest and necessary to conduct the project. Such a waiver may be only for a stated period of time, not to exceed the duration of the project.

(3) The findings of the pilot project should be widely shared and, where appropriate, adopted as amendments to the rule.

(4) If an agency conducts a pilot rule project in lieu of meeting the requirements of the regulatory fairness act, chapter 19.85 RCW, the agency shall ensure the following conditions are met:

(a) If over ten small businesses are affected, there shall be at least ten small businesses in the test group and at least one-half of the volunteers participating in the pilot test group shall be small businesses.

(b)(i) If there are at least one hundred businesses affected, the participation by small businesses in the test group shall be as follows:

(A) Not less than twenty percent of the small businesses must employ twenty-six to fifty employees;

(B) Not less than twenty percent of the small businesses must employ eleven to twenty-six employees, and

(C) Not less than twenty percent of the small businesses must employ zero to ten employees.

(ii) If there do not exist a sufficient number of small businesses in each size category set forth in (b)(i) of this subsection willing to participate in the pilot project to meet the minimum requirements of that subsection, then the agency must comply with this section to the maximum extent practicable.

(c) The agency may not terminate the pilot project before completion.

(d) Before filing the notice of proposed rule making pursuant to RCW 34.05.320, the agency must prepare a report of the pilot rule project that includes:

(i) A description of the difficulties small businesses had in complying with the pilot rule;

(ii) A list of the recommended revisions to the rule to make compliance with the rule easier or to reduce the cost of compliance with the rule by the small businesses participating in the pilot rule project;

(iii) A written statement explaining the options it considered to resolve each of the difficulties described and a statement explaining its reasons for not including a recommendation by the pilot test group to revise the rule; and

(iv) If the agency was unable to meet the requirements set forth in (b)(i) of this subsection, a written explanation of why it was unable to do so and the steps the agency took to include small businesses in the pilot project.

**Sec. 304.** RCW 34.05.325 and 1994 c 249 s 7 are each amended to read as follows:

(1) The agency shall make a good faith effort to insure that the information on the proposed rule published pursuant to RCW 34.05.320 accurately reflects the rule to be presented and considered at the oral hearing on the rule. Written comment about a proposed rule, including supporting data, shall be accepted by an agency if received no later than the time and date specified in the notice, or such later time and date established at the rule-making hearing.

(2) The agency shall provide an opportunity for oral comment to be received by the agency in a rule-making hearing.

(3) If the agency possesses equipment capable of receiving telefacsimile transmissions or recorded telephonic communications, the agency may provide in its notice of hearing filed under RCW 34.05.320 that interested parties may comment on proposed rules by these means. If the agency chooses to receive comments by these means, the notice of hearing shall provide instructions for making such comments, including, but not limited to, appropriate telephone numbers to be used; the date and time by which comments must be received; required methods to verify the receipt and authenticity of the comments; and any limitations on the number of pages for telefacsimile transmission comments and on the minutes of tape recorded comments. The agency shall accept comments

received by these means for inclusion in the official record if the comments are made in accordance with the agency's instructions.

(4) The agency head, a member of the agency head, or a presiding officer designated by the agency head shall preside at the rule-making hearing. Rule-making hearings shall be open to the public. The agency shall cause a record to be made of the hearing by stenographic, mechanical, or electronic means. Unless the agency head presides or is present at substantially all the hearings, the presiding official shall prepare a memorandum for consideration by the agency head, summarizing the contents of the presentations made at the rule-making hearing. The summarizing memorandum is a public document and shall be made available to any person in accordance with chapter 42.17 RCW.

(5) Rule-making hearings are legislative in character and shall be reasonably conducted by the presiding official to afford interested persons the opportunity to present comment. Rule-making hearings may be continued to a later time and place established on the record without publication of further notice under RCW 34.05.320.

(6) ~~((Before the adoption of a final rule))~~ (a) Before it files an adopted rule with the code reviser, an agency shall prepare a ~~((written summary of))~~ concise explanatory statement of the rule:

(i) Identifying the agency's reasons for adopting the rule;

(ii) Describing differences between the text of the proposed rule as published in the register and the text of the rule as adopted, other than editing changes, stating the reasons for differences; and

(iii) Summarizing all comments received regarding the proposed rule, and ~~((a substantive response))~~ responding to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so.

(b) The agency shall provide the ~~((written summary and response))~~ concise explanatory statement to any person upon request or from whom the agency received comment.

NEW SECTION. Sec. 305. RCW 34.05.355 and 1994 c 249 s 8 & 1988 c 288 s 310 are each repealed.

#### PART IV REGULATORY FAIRNESS ACT

NEW SECTION. Sec. 401. A new section is added to chapter 19.85 RCW to read as follows:

(1) Unless an agency receives a written objection to the expedited repeal of a rule, this chapter does not apply to a rule proposed for expedited repeal pursuant to section 701 of this act. If an agency receives a written objection to expedited repeal of the rule, this chapter applies to the rule-making proceeding.

(2) This chapter does not apply to the adoption of a rule described in RCW 34.05.310(4).

(3) An agency is not required to prepare a separate small business economic impact statement under RCW 19.85.040 if it prepared an analysis under section 201 of this act that meets the requirements of a small business economic impact statement, and if the agency reduced the costs imposed by the rule on small business to the extent required by RCW 19.85.030(3). The portion of the analysis that meets the requirements of RCW 19.85.040 shall be filed with the code reviser and provided to any person requesting it in lieu of a separate small business economic impact statement.

**Sec. 402.** RCW 19.85.030 and 1994 c 249 s 11 are each amended to read as follows:

~~(1) ((In the adoption of any rule pursuant to RCW 34.05.320 that will impose more than minor costs on more than twenty percent of all industries, or more than ten percent of any one industry, the adopting agency:~~

~~(a) Shall reduce the economic impact of the rule on small business by doing one or more of the following when it is legal and feasible in meeting the stated objective of the statutes which are the basis of the proposed rule:~~

~~(i) Establish differing compliance or reporting requirements or timetables for small businesses;~~

~~(ii) Clarify, consolidate, or simplify the compliance and reporting requirements under the rule for small businesses;~~

~~(iii) Establish performance rather than design standards;~~

~~(iv) Exempt small businesses from any or all requirements of the rule;~~

~~(v) Reduce or modify fine schedules for noncompliance; and~~

~~(vi) Other mitigation techniques;~~

~~(b) Before filing notice of a proposed rule, shall prepare a small business economic impact statement in accordance with RCW 19.85.040 and file notice of how the person can obtain the statement with the code reviser as part of the notice required under RCW 34.05.320.~~

~~(2) If requested to do so by a majority vote of the joint administrative rules review committee within thirty days after notice of the proposed rule is published in the state register, an agency shall prepare a small business economic impact statement on the proposed rule before adoption of the rule. Upon completion, an agency shall provide a copy of the small business economic impact statement to any person requesting it.~~

(3)) In the adoption of a rule under chapter 34.05 RCW, an agency shall prepare a small business economic impact statement: (a) If the proposed rule will impose more than minor costs on businesses in an industry; or (b) if requested to do so by a majority vote of the joint administrative rules review committee within forty-five days of receiving the notice of proposed rule making under RCW 34.05.320. However, if the agency has completed the pilot rule process as defined by RCW 34.05.313 before filing the notice of a proposed rule, the agency is not required to prepare a small business economic impact statement.

An agency shall prepare the small business economic impact statement in accordance with RCW 19.85.040, and file it with the code reviser along with the notice required under RCW 34.05.320. An agency shall file a statement prepared at the request of the joint administrative rules review committee with the code reviser upon its completion before the adoption of the rule. An agency shall provide a copy of the small business economic impact statement to any person requesting it.

An agency may request assistance from the business assistance center in the preparation of the small business economic impact statement.

~~((+))~~ (2) The business assistance center shall develop guidelines to assist agencies in determining whether a proposed rule will impose more than minor costs on businesses in an industry and therefore require preparation of a small business economic impact statement. The business assistance center may review an agency determination that a proposed rule will not impose such costs, and shall advise the joint administrative rules review committee on disputes involving agency determinations under this section.

(3) Based upon the extent of disproportionate impact on small business identified in the statement prepared under RCW 19.85.040, the agency shall, where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small businesses. Methods to reduce the costs on small businesses may include:

- (a) Reducing, modifying, or eliminating substantive regulatory requirements;
- (b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;
- (c) Reducing the frequency of inspections;
- (d) Delaying compliance timetables;
- (e) Reducing or modifying fine schedules for noncompliance; or
- (f) Any other mitigation techniques.

**Sec. 403.** RCW 19.85.040 and 1994 c 249 s 12 are each amended to read as follows:

(1) A small business economic impact statement must include a brief description of the reporting, recordkeeping, and other compliance requirements of the proposed rule, and the kinds of professional services that a small business is likely to need in order to comply with such requirements. It shall analyze the costs of compliance for businesses required to comply with the proposed rule adopted pursuant to RCW 34.05.320, including costs of equipment, supplies, labor, and increased administrative costs. It shall consider, based on input received, whether compliance with the rule will cause businesses to lose sales or revenue. To determine whether the proposed rule will have a disproportionate impact on small businesses, the impact statement must compare the cost of compliance for small business with the cost of compliance for the ten percent of businesses that are the largest businesses required to comply with the proposed rules using one or more of the following as a basis for comparing costs:

- (a) Cost per employee;

- (b) Cost per hour of labor; or
- (c) Cost per one hundred dollars of sales.

(2) A small business economic impact statement must also include:

(a) A statement of the steps taken by the agency to reduce the costs of the rule on small businesses as required by RCW 19.85.030(~~((+))~~) (3), or reasonable justification for not doing so, addressing the options listed in RCW 19.85.030(~~((+))~~) (3);

(b) A description of how the agency will involve small businesses in the development of the rule; and

(c) A list of industries that will be required to comply with the rule. However, this subsection (2)(c) shall not be construed to preclude application of the rule to any business or industry to which it would otherwise apply.

(3) To obtain information for purposes of this section, an agency may survey a representative sample of affected businesses or trade associations and should, whenever possible, appoint a committee under RCW 34.05.310(2) to assist in the accurate assessment of the costs of a proposed rule, and the means to reduce the costs imposed on small business.

**NEW SECTION. Sec. 404.** A new section is added to chapter 19.85 RCW to read as follows:

Unless so requested by a majority vote of the joint administrative rules review committee under RCW 19.85.030, an agency is not required to comply with this chapter when adopting any rule solely for the purpose of conformity or compliance, or both, with federal statute or regulations. In lieu of the statement required under RCW 19.85.030, the agency shall file a statement citing, with specificity, the federal statute or regulation with which the rule is being adopted to conform or comply, and describing the consequences to the state if the rule is not adopted.

**NEW SECTION. Sec. 405.** RCW 19.85.060 and 1989 c 374 s 5 are each repealed.

## PART V STRENGTHENED LEGISLATIVE OVERSIGHT

**NEW SECTION. Sec. 501.** A new section is added to chapter 34.05 RCW under the subchapter heading Part VI to read as follows:

The joint administrative rules review committee shall not render a decision on a rule unless a quorum is present. A quorum shall consist of at least five members of the committee. Once a quorum is established, a majority of the quorum may render any decision except a suspension recommendation. A recommendation to suspend a rule under RCW 34.05.640 shall require a majority vote of the entire membership of the rules review committee.

**NEW SECTION. Sec. 502.** A new section is added to chapter 34.05 RCW under the subchapter heading Part VI to read as follows:



(1) Any person may petition the rules review committee for a review of that rule. Within thirty days of the receipt of the petition, the rules review committee shall acknowledge receipt of the petition and describe any initial action taken. If the rules review committee rejects the petition, a written statement of the reasons for rejection shall be included.

(2) Within ninety days of receipt of the petition, the rules review committee shall make a final decision on the rule for which the petition for review was not previously rejected.

**NEW SECTION. Sec. 503.** A new section is added to chapter 34.05 RCW under the subchapter heading Part VI to read as follows:

Any individual employed or holding office in any department or agency of state government may submit rules warranting review to the rules review committee. Any such state employee is protected under chapter 42.40 RCW.

*\*Sec. 504. RCW 34.05.660 and 1988 c 288 s 606 are each amended to read as follows:*

*(1) Except as provided in subsection (2) of this section, it is the express policy of the legislature that establishment of procedures for review of administrative rules by the legislature and the notice of objection required by RCW 34.05.630(2) and 34.05.640(2) in no way serves to establish a presumption as to the legality or constitutionality of a rule in any subsequent judicial proceedings interpreting such rules.*

*(2) If the joint administrative rules review committee recommends to the governor that an existing rule be suspended because it does not conform with the intent of the legislature, the recommendation shall establish a rebuttable presumption in any proceeding challenging the validity of the rule that the rule is invalid. The burden of demonstrating the rule's validity is then on the adopting agency.*

*\*Sec. 504 was vetoed. See message at end of chapter.*

**NEW SECTION. Sec. 505.** A new section is added to chapter 34.05 RCW under the subchapter heading Part VI to read as follows:

(1) The rules review committee may make reports from time to time to the members of the legislature and to the public with respect to any of its findings or recommendations. The committee shall keep complete minutes of its meetings.

(2) The committee may establish ad hoc advisory boards, including but not limited to, ad hoc economics or science advisory boards to assist the committee in its rules review functions.

(3) The committee may hire staff as needed to perform functions under this chapter.

**NEW SECTION. Sec. 506.** A new section is added to chapter 34.05 RCW under the subchapter heading Part VI to read as follows:

In the discharge of any duty imposed under this chapter, the rules review committee may examine and inspect all properties, equipment, facilities, files,

records, and accounts of any state office, department, institution, board, committee, commission, or agency, and administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony, and cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the superior courts.

**NEW SECTION. Sec. 507.** A new section is added to chapter 34.05 RCW under the subchapter heading Part VI to read as follows:

In case of the failure on the part of any person to comply with any subpoena issued in behalf of the rules review committee, or on the refusal of any witness to testify to any matters regarding which he or she may be lawfully interrogated, it is the duty of the superior court of any county, or of the judge thereof, on application of the committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify in the court.

**Sec. 508.** RCW 42.40.010 and 1982 c 208 s 1 are each amended to read as follows:

It is the policy of the legislature that employees should be encouraged to disclose, to the extent not expressly prohibited by law, improper governmental actions, and it is the intent of the legislature to protect the rights of state employees making these disclosures. It is also the policy of the legislature that employees should be encouraged to identify rules warranting review or provide information to the rules review committee, and it is the intent of the legislature to protect the rights of these employees.

**Sec. 509.** RCW 42.40.020 and 1992 c 118 s 1 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Auditor" means the office of the state auditor.

(2) "Employee" means any individual employed or holding office in any department or agency of state government.

(3)(a) "Improper governmental action" means any action by an employee:

(i) Which is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and

(ii) Which is in violation of any state law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

(b) "Improper governmental action" does not include personnel actions including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state civil service law, alleged labor agreement violations, reprimands, or any action which may be taken under

chapter 41.06 (~~or 28B-16~~) RCW, or other disciplinary action except as provided in RCW 42.40.030.

(4) "Use of official authority or influence" includes taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, performance evaluation, or any adverse action under chapter 41.06 (~~or 28B-16~~) RCW, or other disciplinary action.

(5) "Whistleblower" means an employee who in good faith reports alleged improper governmental action to the auditor, initiating an investigation under RCW 42.40.040. For purposes of the provisions of this chapter and chapter 49.60 RCW relating to reprisals and retaliatory action, the term "whistleblower" also means: (a) An employee who in good faith provides information to the auditor in connection with an investigation under RCW 42.40.040 and an employee who is believed to have reported alleged improper governmental action to the auditor or to have provided information to the auditor in connection with an investigation under RCW 42.40.040 but who, in fact, has not reported such action or provided such information; or (b) an employee who in good faith identifies rules warranting review or provides information to the rules review committee, and an employee who is believed to have identified rules warranting review or provided information to the rules review committee but who in fact has not done so.

**Sec. 510.** RCW 42.40.030 and 1989 c 284 s 2 are each amended to read as follows:

(1) An employee shall not directly or indirectly use or attempt to use the employee's official authority or influence for the purpose of intimidating, threatening, coercing, commanding, influencing, or attempting to intimidate, threaten, coerce, command, or influence any individual for the purpose of interfering with the right of the individual to: (a) Disclose to the auditor (or representative thereof) information concerning improper governmental action; or (b) identify rules warranting review or provide information to the rules review committee.

(2) Nothing in this section authorizes an individual to disclose information otherwise prohibited by law.

**NEW SECTION. Sec. 511.** Before the 1996 legislative session, the appropriate standing committees of the legislature shall study alternative means to provide effective, objective oversight of state agency rule making, and make a recommendation whether the joint administrative rules review committee should be continued or replaced.

**PART VI  
TECHNICAL ASSISTANCE**

**NEW SECTION. Sec. 601.** The legislature finds that, due to the volume and complexity of laws and rules it is appropriate for regulatory agencies to adopt programs and policies that encourage voluntary compliance by those affected by specific rules. The legislature recognizes that a cooperative partnership between agencies and regulated parties that emphasizes education and assistance before the imposition of penalties will achieve greater compliance with laws and rules and that most individuals and businesses who are subject to regulation will attempt to comply with the law, particularly if they are given sufficient information. In this context, enforcement should assure that the majority of a regulated community that complies with the law are not placed at a competitive disadvantage and that a continuing failure to comply that is within the control of a party who has received technical assistance is considered by an agency when it determines the amount of any civil penalty that is issued.

**NEW SECTION. Sec. 602.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Civil penalty" means a monetary penalty administratively issued by a regulatory agency for noncompliance with state or federal law or rules. The term does not include any criminal penalty, damage assessments, wages, premiums, or taxes owed, or interest or late fees on any existing obligation.

(2) "Regulatory agency" means an agency as defined in RCW 34.05.010 that has the authority to issue civil penalties. The term does not include the state patrol or any institution of higher education as defined in RCW 28B.10.016.

(3) "Technical assistance" includes:

- (a) Information on the laws, rules, and compliance methods and technologies applicable to the regulatory agency's programs;
- (b) Information on methods to avoid compliance problems;
- (c) Assistance in applying for permits; and
- (d) Information on the mission, goals, and objectives of the program.

**NEW SECTION. Sec. 603.** All regulatory agencies shall develop programs to encourage voluntary compliance by providing technical assistance consistent with statutory requirements. The programs shall include but are not limited to technical assistance visits, printed information, information and assistance by telephone, training meetings, and other appropriate methods to provide technical assistance. In addition, all regulatory agencies shall provide upon request a list of organizations, including private companies, that provide technical assistance. This list shall be compiled by the agencies from information submitted by the organizations and shall not constitute an endorsement by an agency of any organization.

**NEW SECTION. Sec. 604.** (1) For the purposes of this chapter, a technical assistance visit is a visit by a regulatory agency to a facility, business, or other location that:

(a) Has been requested or is voluntarily accepted; and  
(b) Is declared by the regulatory agency at the beginning of the visit to be a technical assistance visit.

(2) A technical assistance visit also includes a consultative visit pursuant to RCW 49.17.250.

(3) During a technical assistance visit, or within a reasonable time thereafter, a regulatory agency shall inform the owner or operator of the facility of any violations of law or agency rules identified by the agency as follows:

(a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;

(b) A statement of what is required to achieve compliance;

(c) The date by which the agency requires compliance to be achieved;

(d) Notice of the means to contact any technical assistance services provided by the agency or others; and

(e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the agency.

**NEW SECTION. Sec. 605.** The owner and operator shall be given a reasonable period of time to correct violations identified during a technical assistance visit before any civil penalty provided for by law is imposed for those violations. A regulatory agency may revisit a facility, business, or other location after a technical assistance visit and a reasonable period of time has passed to correct violations identified by the agency in writing and issue civil penalties as provided for by law for any uncorrected violations.

**NEW SECTION. Sec. 606.** A regulatory agency that observes a violation during a technical assistance visit may issue a civil penalty as provided for by law if: (1) The individual or business has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule; or (2) the issue involves sales taxes due to the state and the individual or business is not remitting previously collected sales taxes to the state; or (3) the violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.

**NEW SECTION. Sec. 607.** (1) If in the course of any site inspection or visit that is not a technical assistance visit, the department of ecology becomes aware of conditions that are not in compliance with applicable laws and rules enforced by the department and are not subject to civil penalties as provided for in section 608 of this act, the department may issue a notice of correction to the responsible party that shall include:

(a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;

(b) A statement of what is required to achieve compliance;

(c) The date by which the department requires compliance to be achieved;  
(d) Notice of the means to contact any technical assistance services provided by the department or others; and

(e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) A notice of correction is not a formal enforcement action, is not subject to appeal, and is a public record.

(3) If the department issues a notice of correction, it shall not issue a civil penalty for the violations identified in the notice of correction unless the responsible party fails to comply with the notice.

**NEW SECTION. Sec. 608.** The department of ecology may issue a civil penalty provided for by law without first issuing a notice of correction if: (1) The person has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule; or (2) compliance is not achieved by the date established by the department in a previously issued notice of correction, if the department has responded to any request for review of such date by reaffirming the original date or establishing a new date; or (3) the violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.

**NEW SECTION. Sec. 609.** The provisions of sections 607 and 608 of this act affecting civil penalties issued by the department of ecology shall not apply to civil penalties for negligent discharge of oil as authorized under RCW 90.56.330 or to civil penalties as authorized under RCW 90.03.600 for unlawful use of water in violation of RCW 90.03.250 or 90.44.050.

**NEW SECTION. Sec. 610.** (1) Following a consultative visit pursuant to RCW 49.17.250, the department of labor and industries shall issue a report to the employer that the employer shall make available to its employees. The report shall contain:

(a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;

(b) A statement of what is required to achieve compliance;

(c) The date by which the department requires compliance to be achieved;

(d) Notice of means to contact technical assistance services provided by the department; and

(e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) Following a compliance inspection pursuant to RCW 49.17.120, the department of labor and industries shall issue a citation for violations of industrial safety and health standards. The citation shall not assess a penalty if the violations:

- (a) Are determined not to be of a serious nature;
- (b) Have not been previously cited;
- (c) Are not willful; and
- (d) Do not have a mandatory penalty under chapter 49.17 RCW.

**NEW SECTION. Sec. 611.** (1) If in the course of any inspection or visit that is not a technical assistance visit, the department of agriculture, fish and wildlife, health, licensing, or natural resources becomes aware of conditions that are not in compliance with applicable laws and rules enforced by the department and are not subject to civil penalties as provided for in section 612 of this act, the department may issue a notice of correction to the responsible party that shall include:

- (a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;
- (b) A statement of what is required to achieve compliance;
- (c) The date by which the department requires compliance to be achieved;
- (d) Notice of the means to contact any technical assistance services provided by the department or others; and
- (e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) A notice of correction is not a formal enforcement action, is not subject to appeal, and is a public record.

(3) If the department issues a notice of correction, it shall not issue a civil penalty for the violations identified in the notice of correction unless the responsible party fails to comply with the notice.

**NEW SECTION. Sec. 612.** The department of agriculture, fish and wildlife, health, licensing, or natural resources may issue a civil penalty provided for by law without first issuing a notice of correction if: (1) The person has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule; or (2) compliance is not achieved by the date established by the department in a previously issued notice of correction, if the department has responded to any request for review of such date by reaffirming the original date or establishing a new date; (3) the violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars; or (4) the violation was committed by a business that employed fifty or more employees on at least one day in each of the preceding twelve months. In addition, the department of fish and wildlife may issue a civil penalty provided for by law without first issuing a notice of correction for a violation of any rule dealing with seasons, catch or bag limits, gear types, or geographical areas for fish or wildlife removal, reporting, or disposal.

NEW SECTION. **Sec. 613.** The date for compliance established by the department of ecology, labor and industries, agriculture, fish and wildlife, health, licensing, or natural resources pursuant to section 607, 610, or 611 of this act respectively shall provide for a reasonable time to achieve compliance. Any person receiving a notice of correction pursuant to section 607 or 611 of this act or a report or citation pursuant to section 610 of this act may request an extension of time to achieve compliance for good cause from the issuing department. Requests shall be submitted to the issuing department and responded to by the issuing department in writing in accordance with procedures specified by the issuing department in the notice, report, or citation.

NEW SECTION. **Sec. 614.** The departments of revenue and labor and industries and the employment security department shall undertake an educational program directed at those who have the most difficulty in determining their tax or premium liability. The departments may rely on information from internal data, trade associations, and businesses to determine which entities should be selected. The educational programs may include, but not be limited to, targeted informational fact sheets, self-audits, or workshops, and may be presented individually by the agency or in conjunction with other agencies.

NEW SECTION. **Sec. 615.** The department of revenue, the department of labor and industries in respect to its duties in Title 51 RCW, and the employment security department shall develop and administer a pilot voluntary audit program. Voluntary audits can be requested by businesses from any of these agencies according to guidelines established by each agency. No penalty assessments may be made against participants in such a program except when the agency determines that either a good faith effort has not been made by the taxpayer or premium payer to comply with the law or that the taxpayer has failed to remit previously collected sales taxes to the state. The persons conducting the voluntary audit shall provide the business undergoing the voluntary audit an audit report that describes errors or omissions found and future reporting instructions. This program does not relieve a business from past or future tax or premium obligations.

NEW SECTION. **Sec. 616.** The departments of revenue and labor and industries and the employment security department shall each review the penalties it issues related to taxes or premiums to determine if they are consistent and provide for waivers in appropriate circumstances. Each department shall report the results of its review to the legislature no later than December 1, 1995.

NEW SECTION. **Sec. 617.** Nothing in this chapter obligates a regulatory agency to conduct a technical assistance visit. The state and officers or employees of the state shall not be liable for damages to a person to the extent that liability is asserted to arise from providing technical assistance, or if liability is asserted to arise from the failure of the state or officers or employees of the state to provide technical assistance. This chapter does not limit the authority of any regulatory agency to take any enforcement action, other than a civil penalty,



authorized by law. This chapter shall not limit a regulatory agency's authority to issue a civil penalty as authorized by law based upon a person's failure to comply with specific terms and conditions of any permit or license issued by the agency to that person.

**NEW SECTION.** **Sec. 618.** Agency rules, guidelines, and procedures necessary to implement sections 601 through 615, 617, and 619 through 621 of this act shall be established and implemented expeditiously and not later than July 1, 1996.

**NEW SECTION.** **Sec. 619.** If a regulatory agency determines any part of this chapter to be in conflict with federal law or program requirements, in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, or in conflict with the requirements for eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this chapter shall be inoperative solely to the extent of the conflict. Any rules under this chapter 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. 620.** If notified by responsible federal officials of any conflict of this chapter with federal law or program requirements or with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the regulatory agency notified of the conflict shall actively seek to resolve the conflict. If the agency determines that the conflict cannot be resolved without loss of benefits or authority to the state, the agency shall notify the governor, the president of the senate, and the speaker of the house of representatives in writing within thirty days of making that determination.

**NEW SECTION.** **Sec. 621.** (1) By January 31, 1996, and by January 31st of each even-numbered year thereafter, the office of financial management, after consulting with state regulatory agencies, counties, and cities, and business, labor, and environmental organizations, shall report to the governor and the legislature regarding the effects of sections 601 through 615, 617, and 619 through 621 of this act on the regulatory system in this state. The report shall document:

(a) Technical assistance, including but not limited to technical assistance visits, provided by state regulatory agencies consistent with this chapter;

(b) Any rules adopted, guidelines developed, or training conducted to implement this chapter;

(c) Any changes in the appropriation, allocation, or expenditure of regulatory agency resources to implement this chapter;

(d) Any legal action against state regulatory agencies for any alleged failure to comply with this chapter, the costs to the state of the action, and the result;

(e) The extent to which this chapter has resulted in either an increase or decrease in regulatory agency use of civil penalties;

(f) The extent to which this chapter has contributed to any change in voluntary compliance with state statutes or rules;

(g) The extent to which this chapter has improved the acceptability or effectiveness of state regulatory procedures; and

(h) Any other information considered by the office of financial management to be useful in evaluating the effect of this chapter.

(2) This section shall expire June 30, 2000.

**NEW SECTION.** Sec. 622. A new section is added to chapter 43.12 RCW to read as follows:

Enforcement action taken after the effective date of this section by the commissioner of public lands shall be in accordance with sections 611 and 612 of this act.

**NEW SECTION.** Sec. 623. A new section is added to chapter 43.23 RCW to read as follows:

Enforcement action taken after the effective date of this section by the director or the department of agriculture shall be in accordance with sections 611 and 612 of this act.

**NEW SECTION.** Sec. 624. A new section is added to chapter 43.24 RCW to read as follows:

Enforcement action taken after the effective date of this section by the director or the department of licensing shall be in accordance with sections 611 and 612 of this act.

**NEW SECTION.** Sec. 625. A new section is added to chapter 43.30 RCW to read as follows:

Enforcement action taken after the effective date of this section by the commissioner or supervisor of public lands shall be in accordance with sections 611 and 612 of this act.

**NEW SECTION.** Sec. 626. A new section is added to chapter 43.70 RCW to read as follows:

Enforcement action taken after the effective date of this section by the director or the department shall be in accordance with sections 611 and 612 of this act.

**NEW SECTION.** Sec. 627. A new section is added to chapter 43.300 RCW to read as follows:

Enforcement action taken after the effective date of this section by the director or the department shall be in accordance with sections 611 and 612 of this act.

**Sec. 628.** RCW 18.104.155 and 1993 c 387 s 21 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, the department of ecology may assess a civil penalty for a violation of this chapter or rules or orders of the department adopted or issued pursuant to it.

(2) There shall be three categories of violations: Minor, serious, and major.

(a) A minor violation is a violation that does not seriously threaten public health, safety, and the environment. Minor violations include, but are not limited to:

- (i) Failure to submit completed start cards and well reports within the required time;
- (ii) Failure to submit variance requests before construction;
- (iii) Failure to submit well construction fees;
- (iv) Failure to place a well identification tag on a new well; and
- (v) Minor or repairable construction problems.

(b) A serious violation is a violation that poses a critical or serious threat to public health, safety, and the environment. Serious violations include, but are not limited to:

- (i) Improper well construction;
- (ii) Intentional and improper location or siting of a well;
- (iii) Construction of a well without a required permit;
- (iv) Violation of decommissioning requirements;
- (v) Repeated minor violations; or
- (vi) Construction of a well by a person whose license has expired or has been suspended for not more than ninety days.

(c) A major violation is the construction of a well by a person:

- (i) Without a license; or
- (ii) After the person's license has been suspended for more than ninety days or revoked.

(3)(a) The penalty for a minor violation shall be not less than one hundred dollars and not more than five hundred dollars. Before the imposition of a penalty for a minor violation, the department may issue an order of noncompliance to provide an opportunity for mitigation or compliance.

(b) The penalty for a serious violation shall be not less than five hundred dollars and not more than five thousand dollars.

(c) The penalty for a major violation shall be not less than five thousand dollars and not more than ten thousand dollars.

(4) In determining the appropriate penalty under subsection (3) of this section the department shall consider whether the person:

(a) Has demonstrated a general disregard for public health and safety through the number and magnitude of the violations;

(b) Has demonstrated a disregard for the well construction laws or rules in repeated or continuous violations; or

(c) Knew or reasonably should have known of circumstances that resulted in the violation.

(5) Penalties provided for in this section shall be imposed pursuant to RCW 43.21B.300. The department shall provide thirty days written notice of a violation as provided in RCW 43.21B.300(3).

(6) For informational purposes, a copy of the notice of violation, resulting from the improper construction of a well, that is sent to a water well contractor

or water well construction operator, shall also be sent by the department to the well owner.

(7) Penalties collected by the department pursuant to this section shall be deposited in the reclamation account established by chapter 89.16 RCW. Subject to legislative appropriation, the penalties may be spent only for purposes related to the restoration and enhancement of ground water resources in the state.

**Sec. 629.** RCW 49.17.180 and 1991 c 108 s 1 are each amended to read as follows:

(1) Except as provided in section 610 of this act, any employer who willfully or repeatedly violates the requirements of RCW 49.17.060, of any safety or health standard promulgated under the authority of this chapter, of any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under RCW 49.17.080 or 49.17.090 may be assessed a civil penalty not to exceed seventy thousand dollars for each violation. A minimum penalty of five thousand dollars shall be assessed for a willful violation.

(2) Any employer who has received a citation for a serious violation of the requirements of RCW 49.17.060, of any safety or health standard promulgated under the authority of this chapter, of any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under RCW 49.17.080 or 49.17.090 as determined in accordance with subsection (6) of this section, shall be assessed a civil penalty not to exceed seven thousand dollars for each such violation.

(3) Any employer who has received a citation for a violation of the requirements of RCW 49.17.060, of any safety or health standard promulgated under this chapter, of any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under RCW 49.17.080 or 49.17.090, where such violation is specifically determined not to be of a serious nature as provided in subsection (6) of this section, may be assessed a civil penalty not to exceed seven thousand dollars for each such violation, unless such violation is determined to be de minimis.

(4) Any employer who fails to correct a violation for which a citation has been issued under RCW 49.17.120 or 49.17.130 within the period permitted for its correction, which period shall not begin to run until the date of the final order of the board of industrial insurance appeals in the case of any review proceedings under this chapter initiated by the employer in good faith and not solely for delay or avoidance of penalties, may be assessed a civil penalty of not more than seven thousand dollars for each day during which such failure or violation continues.

(5) Any employer who violates any of the posting requirements of this chapter, or any of the posting requirements of rules promulgated by the department pursuant to this chapter related to employee or employee representative's rights to notice, including but not limited to those employee rights to notice set forth in RCW 49.17.080, 49.17.090, 49.17.120, 49.17.130, 49.17.220(1) and 49.17.240(2), shall be assessed a penalty not to exceed seven

thousand dollars for each such violation. Any employer who violates any of the posting requirements for the posting of informational, educational, or training materials under the authority of RCW 49.17.050(7), may be assessed a penalty not to exceed seven thousand dollars for each such violation.

(6) For the purposes of this section, a serious violation shall be deemed to exist in a work place if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use in such work place, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(7) The director, or his authorized representatives, shall have authority to assess all civil penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the number of affected employees of the employer being charged, the gravity of the violation, the size of the employer's business, the good faith of the employer, and the history of previous violations.

(8) Civil penalties imposed under this chapter shall be paid to the director for deposit in the supplemental pension fund established by RCW 51.44.033. Civil penalties may be recovered in a civil action in the name of the department brought in the superior court of the county where the violation is alleged to have occurred, or the department may utilize the procedures for collection of civil penalties as set forth in RCW 51.48.120 through 51.48.150.

**Sec. 630.** RCW 70.94.431 and 1991 c 199 s 311 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, and 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, chapter 70.120 RCW, or any of the rules in force under such chapters may incur a civil penalty in an amount not to exceed ten 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.

Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance.

(2) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

The maximum penalty amounts established in this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

(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 air pollution control account established in RCW 70.94.015 or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under subsection (1) of this section shall be reduced by the amount of the payment.

(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.

(6) Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may have such grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

(7) In addition to other penalties provided by this chapter, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(8) By January 1, 1992, the department shall develop rules for excusing excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

**Sec. 631.** RCW 70.105.080 and 1987 c 109 s 12 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, every person who fails to comply with any provision of this chapter or of the rules adopted thereunder shall be subjected to a penalty in an amount of not more than ten thousand dollars per day for every such violation. Each and every such violation shall be a separate and distinct offense. In case of continuing violation, every day's continuance shall be a separate and distinct violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty herein provided.

(2) The penalty provided for in this section shall be imposed pursuant to the procedures in RCW 43.21B.300.

**Sec. 632.** RCW 70.132.050 and 1982 c 113 s 5 are each amended to read as follows:

Except as provided in sections 607 through 609 and 617 of this act, any person who violates any provision of this chapter or any rule adopted under this

chapter is subject to a civil penalty not exceeding five hundred dollars for each violation. Each day of a continuing violation is a separate violation.

**Sec. 633.** RCW 70.138.040 and 1987 c 528 s 4 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, any person who violates any provision of a department regulation or regulatory order relating to the management of special incinerator ash shall incur in addition to any other penalty provided by law, a penalty in an amount up to ten thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense. ~~((If {H+}))~~ In case of continuing violation, every day's continuance shall be a separate and distinct violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty herein provided.

(2) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department, describing the violation with reasonable particularity. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the department for the remission or mitigation of such penalty. Upon receipt of the application, the department may remit or mitigate the penalty upon whatever terms the department in its discretion deems proper, giving consideration to the degree of hazard associated with the violation, provided the department deems such remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper.

(3) Any penalty imposed by this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or petition for review by the hearings board is filed. When such an application for remission or mitigation is made, any penalty incurred pursuant to this section shall become due and payable thirty days after receipt of notice setting forth the disposition of such application.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or any county in which such violator may do business, to recover such penalty. In all such actions, the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise provided in this chapter.

**Sec. 634.** RCW 86.16.081 and 1987 c 523 s 8 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, the attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to ensure compliance with this chapter.

(2) Any person who fails to comply with this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each violation or each day of noncompliance shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Any penalty imposed pursuant to this section by the department shall be subject to review by the pollution control hearings board. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the pollution control hearings board.

**Sec. 635.** RCW 90.03.600 and 1987 c 109 s 157 are each amended to read as follows:

Except as provided in sections 607 through 609 and 617 of this act, the power is granted to the department of ecology to levy civil penalties of up to one hundred dollars per day for violation of any of the provisions of this chapter and chapters 43.83B, 90.22, and 90.44 RCW, and rules, permits, and similar documents and regulatory orders of the department of ecology adopted or issued pursuant to such chapters. The procedures of RCW 90.48.144 shall be applicable to all phases of the levying of a penalty as well as review and appeal of the same.

**Sec. 636.** RCW 90.48.144 and 1992 c 73 s 27 are each amended to read as follows:

Except as provided in sections 607 through 609 and 617 of this act, every person who:

(1) Violates the terms or conditions of a waste discharge permit issued pursuant to RCW 90.48.180 or 90.48.260 through 90.48.262, or

(2) Conducts a commercial or industrial operation or other point source discharge operation without a waste discharge permit as required by RCW 90.48.160 or 90.48.260 through 90.48.262, or

(3) Violates the provisions of RCW 90.48.080, or other sections of this chapter or chapter 90.56 RCW or rules or orders adopted or issued pursuant to either of those chapters, shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to ten thousand dollars a day for every



such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation. Every 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 penalty herein provided for. The penalty amount shall be set in consideration of the previous history of the violator and the severity of the violation's impact on public health and/or the environment in addition to other relevant factors. The penalty herein provided for shall be imposed pursuant to the procedures set forth in RCW 43.21B.300.

**Sec. 637.** RCW 90.58.210 and 1986 c 292 s 4 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, the attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions and programs of this chapter, and to otherwise enforce the provisions of this chapter.

(2) Any person who shall fail to conform to the terms of a permit issued under this chapter or who shall undertake development on the shorelines of the state without first obtaining any permit required under this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each permit violation or each day of continued development without a required permit shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Within thirty days after the notice is received, the person incurring the penalty may apply in writing to the department for remission or mitigation of such penalty. Upon receipt of the application, the department or local government may remit or mitigate the penalty upon whatever terms the department or local government in its discretion deems proper. Any penalty imposed pursuant to this section by the department shall be subject to review by the shorelines hearings board. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the shorelines hearings board.

**Sec. 638.** RCW 90.58.560 and 1983 c 138 s 2 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, a person who violates RCW 90.58.550, or any rule adopted thereunder, is subject to a penalty in an amount of up to five thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation. Every 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 penalty provided for in this section.

(2) The penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the director or the director's representative describing such violation with reasonable particularity. The director or the director's representative may, upon written application therefor received within fifteen days after notice imposing any penalty is received by the person incurring the penalty, and when deemed to carry out the purposes of this chapter, remit or mitigate any penalty provided for in this section upon such terms as he or she deems proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he or she may deem proper.

(3) Any person incurring any penalty under this section may appeal the penalty to the hearings board as provided for in chapter 43.21B RCW. Such appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department. When an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the director or the director's representative setting forth the disposition of the application. Any penalty imposed under this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When an application for remission or mitigation is made, any penalty incurred hereunder shall become due and payable thirty days after receipt of notice setting forth the disposition of the application unless an appeal is filed from such disposition. Whenever an appeal of any penalty incurred under this section is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided. All penalties recovered under this section shall be paid into the state treasury and credited to the general fund.

**Sec. 639.** RCW 90.76.080 and 1989 c 346 s 9 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, a person who fails to notify the department pursuant to tank notification requirements or who submits false information is subject to a civil penalty not to exceed five thousand dollars per violation.

(2) Except as provided in sections 607 through 609 and 617 of this act, a person who violates this chapter is subject to a civil penalty not to exceed five thousand dollars for each tank per day of violation.

## PART VII RULES REVIEW

**NEW SECTION. Sec. 701.** A new section is added to chapter 34.05 RCW under the subchapter heading Part III to read as follows:

(1) Not later than June 30th of each year, each agency shall submit to the code reviser, according to procedures and time lines established by the code reviser, rules that it determines should be repealed by the expedited repeal procedures provided for in this section. An agency shall file a copy of a preproposal notice of inquiry, as provided in RCW 34.05.310(1), that identifies the rule as one that is proposed for expedited repeal.

(2) An agency may propose the expedited repeal of rules meeting one or more of the following criteria:

(a) The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;

(b) The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;

(c) The rule is no longer necessary because of changed circumstances; or

(d) Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

(3) The agency shall also send a copy of the preproposal notice of inquiry to any person who has requested notification of copies of proposals for the expedited repeal of rules or of agency rule making. The preproposal notice of inquiry shall include a statement that any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after the preproposal notice of inquiry is published. The notice of inquiry shall also include an explanation of the reasons the agency believes the expedited repeal of the rule is appropriate.

(4) The code reviser shall publish all rules proposed for expedited repeal in a separate section of a regular edition of the Washington state register or in a special edition of the Washington state register. The publication shall be not later than July 31st of each year, or in the first register published after that date.

(5) Any person may file a written objection to the expedited repeal of a rule. The notice shall be filed with the agency rules coordinator within thirty days

after the notice of inquiry has been published in the Washington state register. The written objection need not state any reason for objecting to the expedited repeal of the rule.

(6) If no written objections to the expedited repeal of a rule are filed with the agency within thirty days after the preproposal notice of inquiry is published, the agency may enter an order repealing the rule without further notice or an opportunity for a public hearing. The order shall be published in the manner required by this chapter for any other order of the agency adopting, amending, or repealing a rule. If a written objection to the expedited repeal of the rule is filed with the agency within thirty days after the notice of inquiry has been published, the preproposal notice of inquiry published pursuant to this section shall be considered a preproposal notice of inquiry for the purposes of RCW 34.05.310(1) and the agency may initiate rule adoption proceedings in accordance with the provisions of this chapter.

**Sec. 702.** RCW 34.05.230 and 1988 c 288 s 203 are each amended to read as follows:

(1) If the adoption of rules is not feasible and practicable, an agency is encouraged to advise the public of its current opinions, approaches, and likely courses of action by means of interpretive or policy statements. Current interpretive and policy statements are advisory only. An agency is encouraged to convert long-standing interpretive and policy statements into rules.

(2) A person may petition an agency requesting the conversion of interpretive and policy statements into rules. Upon submission, the agency shall notify the joint administrative rules review committee of the petition. Within sixty days after submission of a petition, the agency shall either deny the petition in writing, stating its reasons for the denial, or initiate rule-making proceedings in accordance with this chapter.

(3) Each agency shall maintain a roster of interested persons, consisting of persons who have requested in writing to be notified of all interpretive and policy statements issued by that agency. Each agency shall update the roster once each year and eliminate persons who do not indicate a desire to continue on the roster. Whenever an agency issues an interpretive or policy statement, it shall send a copy of the statement to each person listed on the roster. The agency may charge a nominal fee to the interested person for this service.

**Sec. 703.** RCW 34.05.330 and 1988 c 288 s 305 are each amended to read as follows:

(1) Any person may petition an agency requesting the adoption, amendment, or repeal of any rule. ~~((Each agency may))~~ The office of financial management shall prescribe by rule the ~~((form))~~ format for such petitions and the procedure for their submission, consideration, and disposition and provide a standard form that may be used to petition any agency. Within sixty days after submission of a petition, the agency shall ~~((+))~~ either (a) deny the petition in writing, stating (i) its reasons for the denial, specifically addressing the concerns raised by the

petitioner, and, where appropriate, (ii) the alternative means by which it will address the concerns raised by the petitioner, or ((2)) (b) initiate rule-making proceedings in accordance with this chapter.

(2) If an agency denies a petition to repeal or amend a rule submitted under subsection (1) of this section, the petitioner, within thirty days of the denial, may appeal the denial to the governor. The governor shall immediately file notice of the appeal with the code reviser for publication in the Washington state register. Within forty-five days after receiving the appeal, the governor shall either (a) deny the petition in writing, stating (i) his or her reasons for the denial, specifically addressing the concerns raised by the petitioner, and, (ii) where appropriate, the alternative means by which he or she will address the concerns raised by the petitioner; (b) for agencies listed in RCW 43.17.010, direct the agency to initiate rule-making proceedings in accordance with this chapter; or (c) for agencies not listed in RCW 43.17.010, recommend that the agency initiate rule-making proceedings in accordance with this chapter. The governor's response to the appeal shall be published in the Washington state register and copies shall be submitted to the chief clerk of the house of representatives and the secretary of the senate.

(3) In petitioning for repeal or amendment of a rule under this section, a person is encouraged to address, among other concerns:

(a) Whether the rule is authorized;

(b) Whether the rule is needed;

(c) Whether the rule conflicts with or duplicates other federal, state, or local laws;

(d) Whether alternatives to the rule exist that will serve the same purpose at less cost;

(e) Whether the rule applies differently to public and private entities;

(f) Whether the rule serves the purposes for which it was adopted;

(g) Whether the costs imposed by the rule are unreasonable;

(h) Whether the rule is clearly and simply stated; and

(i) Whether the rule is different than a federal law applicable to the same activity or subject matter without adequate justification.

(4) The business assistance center and the office of financial management shall coordinate efforts among agencies to inform the public about the existence of this rules review process.

(5) The office of financial management shall initiate the rule making required by subsection (1) of this section by September 1, 1995.

**NEW SECTION. Sec. 704.** A new section is added to chapter 1.08 RCW to read as follows:

(1) The code reviser shall compile and publish on a quarterly basis a report on state agency rule-making activity. The report shall summarize the following information by agency and by type of activity for new, amended, and repealed rules adopted by state agencies pursuant to chapter 34.05 RCW:

(a) The number adopted, proposed for adoption, and withdrawn;

- (b) The number adopted as emergency rules;
  - (c) The number adopted in order to comply with federal statute, with federal rules or standards, and with recently enacted state statutes;
  - (d) The number adopted at the request of a nongovernmental entity;
  - (e) The number adopted on an agency's own initiative;
  - (f) The number adopted in order to clarify, streamline, or reform agency procedures;
  - (g) The number of petitions for review of rules received by agencies;
  - (h) The number of rules appealed to superior court; and
  - (i) The number adopted using negotiated rule making, pilot rule making, or other alternative rule-making mechanisms.
- (2) For purposes of the report required by this section, each Washington State Register filing section shall be considered as a separate rule. The code reviser may adopt rules necessary to implement this section. To the maximum extent practicable, the code reviser shall use information supplied on forms provided by state agencies pursuant to chapter 34.05 RCW to prepare the report required by this section.

## PART VIII JUDICIAL REVIEW

**Sec. 801.** RCW 34.05.370 and 1994 c 249 s 2 are each amended to read as follows:

(1) Each agency shall maintain an official rule-making file for each rule that it (a) proposes by publication in the state register, or (b) adopts. The file and materials incorporated by reference shall be available for public inspection.

(2) The agency rule-making file shall contain all of the following:

(a) Copies of all publications in the state register with respect to the rule or the proceeding upon which the rule is based;

(b) Copies of any portions of the agency's public rule-making docket containing entries relating to the rule or the proceeding on which the rule is based;

(c) All written petitions, requests, submissions, and comments received by the agency and all other written material regarded by the agency as important to adoption of the rule or the proceeding on which the rule is based;

(d) Any official transcript of oral presentations made in the proceeding on which the rule is based or, if not transcribed, any tape recording or stenographic record of them, and any memorandum prepared by a presiding official summarizing the contents of those presentations;

~~(e) ((The concise explanatory statement required by RCW 34.05.355;~~

~~(f))~~ All petitions for exceptions to, amendment of, or repeal or suspension of, the rule;

~~((g))~~ ~~(f)~~ Citations to data, factual information, studies, or reports on which the agency relies in the adoption of the rule, indicating where such data, factual information, studies, or reports are available for review by the public, but this

subsection (2)(f) does not require the agency to include in the rule-making file any data, factual information, studies, or reports gathered pursuant to chapter 19.85 RCW that can be identified to a particular business;

~~((#))~~ (g) The ~~(written summary and response)~~ concise explanatory statement required by RCW 34.05.325(6); and

~~((#))~~ (h) Any other material placed in the file by the agency.

(3) Internal agency documents are exempt from inclusion in the rule-making file under subsection (2) of this section to the extent they constitute preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific document is not exempt from inclusion when it is publicly cited by an agency in connection with its decision.

(4) Upon judicial review, the file required by this section constitutes the official agency rule-making file with respect to that rule. Unless otherwise required by another provision of law, the official agency rule-making file need not be the exclusive basis for agency action on that rule.

**Sec. 802.** RCW 34.05.570 and 1989 c 175 s 27 are each amended to read as follows:

(1) Generally. Except to the extent that this chapter or another statute provides otherwise:

(a) The burden of demonstrating the invalidity of agency action is on the party asserting invalidity;

(b) The validity of agency action shall be determined in accordance with the standards of review provided in this section, as applied to the agency action at the time it was taken;

(c) The court shall make a separate and distinct ruling on each material issue on which the court's decision is based; and

(d) The court shall grant relief only if it determines that a person seeking judicial relief has been substantially prejudiced by the action complained of.

(2) Review of rules. (a) A rule may be reviewed by petition for declaratory judgment filed pursuant to this subsection or in the context of any other review proceeding under this section. In an action challenging the validity of a rule, the agency shall be made a party to the proceeding.

(b) The validity of any rule may be determined upon petition for a declaratory judgment addressed to the superior court of Thurston county, when it appears that the rule, or its threatened application, interferes with or impairs or immediately threatens to interfere with or impair the legal rights or privileges of the petitioner. The declaratory judgment order may be entered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question.

(c) In a proceeding involving review of a rule, the court shall declare the rule invalid only if it finds that: ~~((#))~~ The rule violates constitutional provisions((#)); the rule exceeds the statutory authority of the agency((#)); the rule was adopted without compliance with statutory rule-making procedures((#) or could not

conceivably have been the product of a rational decision-maker)); or the rule is arbitrary and capricious.

(3) Review of agency orders in adjudicative proceedings. The court shall grant relief from an agency order in an adjudicative proceeding only if it determines that:

(a) The order, or the statute or rule on which the order is based, is in violation of constitutional provisions on its face or as applied;

(b) The order is outside the statutory authority or jurisdiction of the agency conferred by any provision of law;

(c) The agency has engaged in unlawful procedure or decision-making process, or has failed to follow a prescribed procedure;

(d) The agency has erroneously interpreted or applied the law;

(e) The order is not supported by evidence that is substantial when viewed in light of the whole record before the court, which includes the agency record for judicial review, supplemented by any additional evidence received by the court under this chapter;

(f) The agency has not decided all issues requiring resolution by the agency;

(g) A motion for disqualification under RCW 34.05.425 or 34.12.050 was made and was improperly denied or, if no motion was made, facts are shown to support the grant of such a motion that were not known and were not reasonably discoverable by the challenging party at the appropriate time for making such a motion;

(h) The order is inconsistent with a rule of the agency unless the agency explains the inconsistency by stating facts and reasons to demonstrate a rational basis for inconsistency; or

(i) The order is arbitrary or capricious.

(4) Review of other agency action.

(a) All agency action not reviewable under subsection (2) or (3) of this section shall be reviewed under this subsection.

(b) A person whose rights are violated by an agency's failure to perform a duty that is required by law to be performed may file a petition for review pursuant to RCW 34.05.514, seeking an order pursuant to this subsection requiring performance. Within twenty days after service of the petition for review, the agency shall file and serve an answer to the petition, made in the same manner as an answer to a complaint in a civil action. The court may hear evidence, pursuant to RCW 34.05.562, on material issues of fact raised by the petition and answer.

(c) Relief for persons aggrieved by the performance of an agency action, including the exercise of discretion, or an action under (b) of this subsection can be granted only if the court determines that the action is:

(i) Unconstitutional;

(ii) Outside the statutory authority of the agency or the authority conferred by a provision of law;

(iii) Arbitrary or capricious; or



(iv) Taken by persons who were not properly constituted as agency officials lawfully entitled to take such action.

**Sec. 803.** RCW 34.05.534 and 1988 c 288 s 507 are each amended to read as follows:

A person may file a petition for judicial review under this chapter only after exhausting all administrative remedies available within the agency whose action is being challenged, or available within any other agency authorized to exercise administrative review, except:

(1) A petitioner for judicial review of a rule need not have participated in the rule-making proceeding upon which that rule is based, ~~((or))~~ have petitioned for its amendment or repeal, or have appealed a petition for amendment or repeal to the governor;

(2) A petitioner for judicial review need not exhaust administrative remedies to the extent that this chapter or any other statute states that exhaustion is not required; or

(3) The court may relieve a petitioner of the requirement to exhaust any or all administrative remedies upon a showing that:

(a) The remedies would be patently inadequate;

(b) The exhaustion of remedies would be futile; or

(c) The grave irreparable harm that would result from having to exhaust administrative remedies would clearly outweigh the public policy requiring exhaustion of administrative remedies.

## PART IX

### EQUAL ACCESS TO JUSTICE

NEW SECTION. **Sec. 901.** The legislature finds that certain individuals, smaller partnerships, smaller corporations, and other organizations may be deterred from seeking review of or defending against an unreasonable agency action because of the expense involved in securing the vindication of their rights in administrative proceedings. The legislature further finds that because of the greater resources and expertise of the state of Washington, individuals, smaller partnerships, smaller corporations, and other organizations are often deterred from seeking review of or defending against state agency actions because of the costs for attorneys, expert witnesses, and other costs. The legislature therefore adopts this equal access to justice act to ensure that these parties have a greater opportunity to defend themselves from inappropriate state agency actions and to protect their rights.

NEW SECTION. **Sec. 902.** A new section is added to chapter 4.84 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 902 through 904 of this act.

(1) "Agency" means any state board, commission, department, institution of higher education, or officer, authorized by law to make rules or to conduct

adjudicative proceedings, except those in the legislative or judicial branches, the governor, or the attorney general except to the extent otherwise required by law.

(2) "Agency action" means agency action as defined by chapter 34.05 RCW.

(3) "Fees and other expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of a study, analysis, engineering report, test, or project that is found by the court to be necessary for the preparation of the party's case, and reasonable attorneys' fees. Reasonable attorneys' fees shall be based on the prevailing market rates for the kind and quality of services furnished, except that (a) no expert witness shall be compensated at a rate in excess of the highest rates of compensation for expert witnesses paid by the state of Washington, and (b) attorneys' fees shall not be awarded in excess of one hundred fifty dollars per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.

(4) "Judicial review" means a judicial review as defined by chapter 34.05 RCW.

(5) "Qualified party" means (a) an individual whose net worth did not exceed one million dollars at the time the initial petition for judicial review was filed or (b) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization whose net worth did not exceed five million dollars at the time the initial petition for judicial review was filed, except that an organization described in section 501(c)(3) of the federal internal revenue code of 1954 as exempt from taxation under section 501(a) of the code and a cooperative association as defined in section 15(a) of the agricultural marketing act (12 U.S.C. 1141j(a)), may be a party regardless of the net worth of such organization or cooperative association.

**NEW SECTION.** **Sec. 903.** A new section is added to chapter 4.84 RCW to read as follows:

(1) Except as otherwise specifically provided by statute, a court shall award a qualified party that prevails in a judicial review of an agency action fees and other expenses, including reasonable attorneys' fees, unless the court finds that the agency action was substantially justified or that circumstances make an award unjust. A qualified party shall be considered to have prevailed if the qualified party obtained relief on a significant issue that achieves some benefit that the qualified party sought.

(2) The amount awarded a qualified party under subsection (1) of this section shall not exceed twenty-five thousand dollars. Subsection (1) of this section shall not apply unless all parties challenging the agency action are qualified parties. If two or more qualified parties join in an action, the award in total shall not exceed twenty-five thousand dollars. The court, in its discretion, may reduce the amount to be awarded pursuant to subsection (1) of this section, or deny any award, to the extent that a qualified party during the course of the proceedings engaged in conduct that unduly or unreasonably protracted the final resolution of the matter in controversy.

**NEW SECTION. Sec. 904.** A new section is added to chapter 4.84 RCW to read as follows:

Fees and other expenses awarded under sections 902 and 903 of this act shall be paid by the agency over which the party prevails from operating funds appropriated to the agency within sixty days. Agencies paying fees and other expenses pursuant to sections 902 and 903 of this act shall report all payments to the office of financial management within five days of paying the fees and other expenses. Fees and other expenses awarded by the court shall be subject to the provisions of chapter 39.76 RCW and shall be deemed payable on the date the court announces the award.

**NEW SECTION. Sec. 905.** A new section is added to chapter 43.88 RCW to read as follows:

The office of financial management shall report annually to the legislature on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to sections 902 through 904 of this act. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and other relevant information that may aid the legislature in evaluating the scope and impact of the awards.

## PART X BUSINESS LICENSE INFORMATION

**NEW SECTION. Sec. 1001.** The master license system of the department of licensing is a proven, progressive program for one-stop state licensing. This flexible system should be expanded into a state-wide shared data base to facilitate combined licensing processes at local, state, and federal levels as a benefit to the business community through improved customer service.

In order to achieve this goal the department of licensing should expand the license information management system, offered by the master license system, to include local and federal licensing requirements, making this information readily accessible at appropriate locations throughout the state. In addition, the department should develop a pilot program expanding the capabilities of the master licensing system to local and federal levels in an efficient manner; and provide access to the expanded master licensing system for all jurisdictions within the state of Washington.

**NEW SECTION. Sec. 1002.** (1) The department shall solicit advice and recommendations for planning and establishing policy for a combined licensing pilot project and license information management system. Advice and assistance shall be solicited from:

- (a) The business assistance center;
- (b) The office of the secretary of state;
- (c) The department of revenue;
- (d) The department of labor and industries;
- (e) The employment security department;
- (f) The Washington state association of counties;

- (g) The association of Washington cities;
- (h) The department of information services;
- (i) The small business improvement council; and
- (j) The cities chosen under section 1005 of this act.

(2) The department may create ad hoc advisory committees for purposes of subsection (1) of this section.

(3) This section shall expire July 1, 1997.

**NEW SECTION. Sec. 1003.** By December 31, 1995, the department of licensing, with advice and recommendations provided in section 1002 of this act, shall develop a plan for the state-wide license information management system. This plan shall include:

(1) The scope and phases of the project, listing areas of responsibility for each phase;

(2) Analysis of the costs and benefits, as well as funding sources, staffing levels, and technological issues involved in completing the project; and

(3) A computer prototype for demonstration of the new license information system to interested jurisdictions.

**NEW SECTION. Sec. 1004.** By December 31, 1995, the department of licensing, with advice and recommendations provided in section 1002 of this act, shall develop a plan for a pilot combined licensing program. The plan shall include:

(1) The scope and phases of the project, listing areas of responsibility for each phase;

(2) Analysis of the costs and benefits, as well as funding sources, staffing levels, and technological issues involved in completing the project;

(3) The use of the state unified business identifier as the key number for identifying persons and businesses, for licensing purposes, throughout local, state and, if appropriate, federal levels of government;

(4) Steps leading to the expansion of the department's master license automated system, to be used for combined licensing processes at selected local service jurisdictions;

(5) Development of common technology for information dissemination, access, and delivery at appropriate service locations through the master license system, including remote field input of master business application information;

(6) Adoption of the state's master business application to become the standard for all registration or licensing applications used at local and state levels, and federal levels where appropriate; and

(7) Necessary training for staff at service locations.

**NEW SECTION. Sec. 1005.** By December 31, 1996, the department of licensing shall:

(1) Expand the license information management system, in order to provide on-line local, state, and federal business registration and licensing requirements;

(2) Include specific licensing requirements for local jurisdictions in the license information packet;

(3) Provide the capability to distribute the information packets at the appropriate service locations;

(4) Provide the ability for local jurisdictions to access, store, and update the license requirements data of their own jurisdiction; and

(5) Provide training to all organizations providing services using the master license information management system.

**NEW SECTION. Sec. 1006.** A new section is added to chapter 19.02 RCW to read as follows:

(1) By June 30, 1997, the department shall have a pilot combined licensing project fully operational in at least two cities within the state of Washington, with at least one city west of the Cascade mountains and at least one city east of the Cascade mountains.

(2) By January 31, 1997, the department shall make an interim report to the legislature on the progress of the pilot combined licensing project.

(3) By January 31, 1998, the department shall have evaluated the pilot combined licensing project and reported to the legislature with a plan for transition of the pilot project into an ongoing program. The transition plan shall include cost, funding sources, and staffing needs for the ongoing program.

(4) Upon approval and continued funding of the transition plan by the legislature under this section, the master license system shall implement a transition from the pilot program to the ongoing program.

**Sec. 1007.** RCW 19.02.075 and 1992 c 107 s 2 are each amended to read as follows:

(1) ~~((Beginning June 1, 1992,))~~ The department shall collect a fee of fifteen dollars on each master application ((and five dollars on each license information packet. From June 1, 1992, to June 30, 1992, twelve dollars of the master application fee shall be deposited in the general fund and three dollars deposited in the master license fund. Thereafter,)). The entire master application fee shall be deposited in the master license fund. ((License information packet fees shall be deposited in the general fund.))

(2) ~~((Beginning July 1, 1992,))~~ The department shall collect a fee of nine dollars on each renewal application. Renewal application fees shall be deposited in the master license fund.

## PART XI MISCELLANEOUS

**NEW SECTION. Sec. 1101.** Part headings as used in this act do not constitute any part of the law.

**NEW SECTION. Sec. 1102.** Sections 201, 301 through 305, 401 through 405, and 801 of this act shall apply to all rule making for which a statement of

proposed rule making under RCW 34.05.320 is filed after the effective date of this section.

**NEW SECTION. Sec. 1103.** Sections 601 through 615, 617, and 619 through 621 of this act shall constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 1104.** If specific funding for the purposes of sections 704 and 1001 through 1007 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1995, in the omnibus appropriations act, sections 704 and 1001 through 1007 of this act shall be null and void.

**NEW SECTION. Sec. 1105.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 18, 1995.

Passed the Senate April 14, 1995.

Approved by the Governor May 16, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 16, 1995.

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

"I am returning herewith, without my approval as to sections 110, 112, 113, 114, 115, 116, 119, and 504, Engrossed Substitute House Bill No. 1010 entitled:

"AN ACT Relating to regulatory reform;"

Over the last few years, the issue of regulatory reform has generated spirited discussion and debate. I have come to the conclusion that, like beauty, regulatory reform is really in the eye of the beholder. While there is widespread agreement about the problems, there is less clarity regarding solutions. This bill represents a path to regulatory reform that I believe will make significant changes in the regulatory climate. We all must embark upon this path in a spirit of cooperation and with the firm resolve to work together to successfully implement this legislation. Everyone who is concerned with these issues must have a place at the table: the regulated community, state agencies, local governments, the environmental community, labor, and interested citizens groups. Without this cooperative spirit, it will be impossible to implement significant, long-term change.

On August 9, 1993, I signed Executive Order 93-06. The executive order directed state agencies to initiate sever efforts to coordinate among themselves and to provide better and more useful information to the public. I stated three goals for regulatory reform in the executive order. They are:

- To institute immediate management improvements in state regulatory functions, reducing inefficiencies, conflicts, and delays.
- To develop long-term solutions to complex regulatory issues that, if left unresolved, could impede the orderly growth and sustained economic development of the state.
- To ensure that any regulatory reform solutions designed to support economic benefits to the state also ensure continued protection of the environment, the health, and the safety of our citizens.

The Executive Order also created the Governor's Task Force on Regulatory Reform, composed of representatives from a cross-section of state citizens and interest groups. The task force established three subcommittees to address the major issue areas set forth in the executive order and made its interim recommendation in its December, 1993 report. The task force made its final recommendations in December, 1994.

Although this bill was not originally based on the task force recommendations, in its final form it has adopted many elements consistent with those recommendations, and I would like to applaud the legislature for incorporating those recommendations.

I want to focus first on the very significant positive steps in regulatory reform that are included in this bill. This bill represents what I hope will be meaningful change in the regulatory environment. At the same time, I believe that it meets the goals I set out when I established the task force: to establish long-term solutions to complex regulatory issues and to ensure that regulatory reform solutions ensure continued protection of the environment, the health, and the safety of our citizens.

I am signing the provisions of section 201 establishing new rule adoption criteria. These criteria were developed by the task force. The application of these criteria to the significant legislative rules of nine major agencies will result in detailed analyses of important factors in agency rulemaking. There are several changes made from the task force recommendations. The task force would have applied these criteria to a limited set of rules for a small number of agencies. It also established a sunset date to assure that the legislature would review these criteria and would determine their effectiveness. This bill expands both the rules and the agencies which must comply with these procedures. There is no sunset on these criteria, but I am hopeful that the legislature will evaluate the impact of these criteria over time. The Office of Financial Management will be reviewing and reporting to the governor and to the legislature on the impact of this section which will allow us to monitor its effects. I also have some reservations regarding the impact of this section in that these procedures may not result in better rules, but only in more litigation. However, I think we must go ahead and implement this section and all work together to make sure that this process does result in better rulemaking—not more delay and confusion.

I am also signing Part VI dealing with technical assistance in its entirety. These provisions will encourage cooperative relationships between agencies and the regulated community. It has always been my firm belief that people will comply with the rules as long as they understand them, and these provisions will make it easier to know how to comply.

I am also signing sections 901 through 905 which allow the recovery of reasonable attorney's fees from the state. The purpose of these sections is to allow individuals and small businesses access to the courts to challenge agency actions by authorizing courts to award attorney's fees when agency actions are successfully challenged. I believe it is important to allow access to our judicial system for those who may not have the necessary financial resources. I am concerned, however, that these provisions, in combination with the rule adoption criteria process in section 201, may create a significant incentive to challenge agency rules and other agency actions in the hope of recovering attorney's fees. These challenges are likely to be fought out over procedural issues rather than policy issues, and the potential fiscal impact of these provisions are significant. This will have to be monitored over time to determine the effects of these sections.

I am signing provisions establishing a process for an appeal to the governor if an agency refuses to begin rule making proceedings, for a streamlined rule repeal process, and for simplification of rule making for less significant rules.

I am also signing provisions directing the Department of Licensing to establish pilot programs on combined state and local business licensing. This provision is real regulatory reform. These pilot programs will assist businesses in obtaining permits and licenses from multiple jurisdictions, thus addressing one of the major complaints of both small and large businesses.

I am signing section 802 which changes the standard of judicial review of agency rules from the current standard that the rule "could not conceivably have been the product of a rational decision maker" to "arbitrary and capricious." This appears to be consistent with the Washington Supreme Court decision in Neah Bay Chamber of commerce v. Department of Fisheries, 119 W. 2d 464 (1992). There is some language in the intent section that indicates that a different standard of review was intended. Consistent with the rationale of the Part I grants of authority sections, in which agencies are prohibited from relying on intent statements to develop substantive regulatory programs, the legislature cannot create a different standard of judicial review in an intent section than the standard created in the substantive section 802. Any other reading would suggest an amendment by reference of RCW 34.05.570. I am, therefore, approving section 802 with

the understanding that the standard for review will be arbitrary and capricious as articulated by the Washington State Supreme Court.

Turning now to other provisions of the bill, Part I concerns the authority of some agencies to adopt rules. Many in the business community and in the legislature complain about the liberty they believe agencies take with their authority to implement legislation. This has led to an effort to modify what are referred to as "broad grants of rule making authority." The task force struggled with this issue and recommended a solution for future legislation. However, it was unable to find a solution for existing statutes that would not lead to unanticipated consequences. This legislation does not avoid those problems.

Upon careful consideration and after consulting with members of the legislature and with others, I have concluded that sections 101-109 and section 111 only limit the authority of an agency to adopt rules when there is no statutory authority, other than an intent section, for an agency to act. If an agency has been given authority to carry out specific statutory directives in a particular area, even though the statute does not provide explicit authority to adopt rules as part of its regulatory scheme, these provisions do not prohibit an agency from adopting rules to implement the legislature's expressed intent that the agency carry out its statutory responsibilities. The language of these sections prohibits agencies from adopting rules solely in reliance on an intent section in combination with the statute establishing the agency. Intent sections should not be used by the agencies or by the legislature as the sole authority to create substantive rules or law.

Section 112 is similar to sections 101-111 except that it contains additional provisions intended to address the issue of prevailing wage. The Department of Labor and Industries' authority to adopt rules governing prevailing wage issues is under attack in the courts. The department is currently in litigation over its authority to adopt rules under the prevailing wage statute. This section includes language indicating it is the intent of the legislature to retain the status quo. This very statement recognizes the possibility that the department's authority is in doubt. This stands to undermine the department's position in ongoing litigation.

Sections 113-116 relate to the authority of the Insurance Commissioner. Unlike the language in sections 101-109 and section 111, these sections directly restrict the commissioner's use of specific rulemaking authority to develop rules. For example, section 115 allows the commissioner to make rules regarding aspects of health care service contractor practices, including the maintenance of adequate insurance and cash deposits. It is the heart of the authority to regulate health care service contractors. The amendment would not allow the commissioner to rely on that section for rulemaking authority. Section 116 is the authority to regulate health maintenance organizations. This language provides that the commissioner may not rely on this specific authority. As I read this, it would leave the commissioner in the position where the commissioner's ability to regulate important aspects of the health insurance industry would be severely compromised. Removing this authority could create significant risk to consumers. Similarly, section 114 provides authority to regulate against unfair and deceptive practices. This is the heart of the commissioner's consumer protection authority. The commissioner must be able to act quickly as new circumstances arise to protect the public. I cannot sign sections that would significantly reduce the ability of the Insurance Commissioner to act for the public good.

It is important to note the difference in the language used in sections 101-111 and in sections 113-116 dealing with the Insurance Commissioner. In the commissioner's sections, the legislature clearly intended to limit the use of the grant of rule making authority. In sections 101-109 and section 111, however, there is no restriction on the use of the general grant of rule making authority in combination with other substantive provisions of law. It is because of this distinction that I am signing sections 101-109 and section 111.

Section 110 dealing with the Forest Practices Board creates problems due to the placement of the proviso language. This section is a specific grant of rule making authority (in the same manner as section 115 related to the Insurance Commissioner). It also contemplates that the board may specifically rely on RCW 76.09.010 which contains specific directives to the board regarding the development of comprehensive



forest practices regulations as the basis for rules. This proviso, as placed, appears to give authority for rule making, then to take it away, then to give it back. It is so ambiguous as to create complete uncertainty for most of the board's regulations.

Section 119 exempts the agencies covered by sections 101 through 116 from the prospective grants of authority requirements of section 118 which apply to all agencies. We must ensure all agencies, including the Department of Labor and Industries, the Insurance Commissioner, and the Forest Practices Board, will be subject to the prospective restrictions on grants of authority in section 118.

It is important to note that the very significant provisions of this bill related to technical assistance, rule adoptions criteria, and judicial review all apply to the Department of Labor and Industries, the Insurance Commissioner and the Forest Practices.

Section 504 gives the Joint Administrative Rules Review Committee (JARRC) the ability, by a majority vote, to establish a rebuttable presumption in judicial proceedings that a rule does not comply with the legislature's intent. The burden of proof to establish that a rule was within legislative intent would be shifted to the agency from the individual challenging the rule. This would mean that 5 legislators out of a total of 147 members could determine legislative intent, regardless of their participation in the policy committees that developed the underlying legislation upon which the rule is based.

I have serious concerns about the constitutionality of section 504. This section violates the provisions of the state constitution which require legislative acts be done by the entire legislature with presentment to the governor for approval. Moreover, this violates the separation of powers doctrine, in that it intrudes unduly into those constitutional powers reserved for the executive and judicial branches of government. This is based primarily on the decision of the United States Supreme Court in Immigration & Naturalization Service v. Chadha, 462 U.S. 919 (1983), and the analysis of the overwhelming majority of state and federal court opinions on the subject.

It is my hope that the legislature will work with all interested parties to develop an alternative model to assure the appropriate legislative, executive, and judicial branch roles in reviewing agency rules. I have signed Engrossed Substitute Senate Bill No. 6037 today which commits to study an independent rules review commission as a possible alternative to JARRC. I intend to work with the legislature in exploring this option. In addition, the legislature retains the right to reject an agency rule through a bill adopted by both the House of Representatives and the Senate which goes to the governor for approval. This is consistent with the inherent constitutional principles concerning the appropriate role of the three branches of government.

There are other provisions relating to JARRC which give me great concern for similar reasons. One is in section 201(5)(a)(ii) which purports to allow JARRC to require any agency rule to be bound by the elaborate rule making criteria in section 201. This is not just for "significant legislative rules," as recommended by the task force, but for any rule. This includes interpretive and procedural rules which are within the unique province of agencies to adopt. However, because this provision is in section 201, I must either veto that entire section or allow this JARRC intrusion into executive branch affairs. I have reluctantly opted for the latter approach, in spite of the unconstitutional nature of this provision.

Section 404 allows JARRC to require agencies to prepare a small business economic impact statement when adopting rules to conform to federal law or regulation. This provision also raises constitutional questions; however, a veto of this section would result in the elimination of the underlying exemption from the automatic requirement for agencies to develop these statements. This would impose an unreasonable burden on state agencies. If JARRC seeks to implement this provision, I trust it will do so with appropriate restraint and with a view toward cooperation with the executive agencies. It is with that understanding, that I am approving this provision.

For these reasons, I have vetoed sections 110, 112, 113, 114, 115, 116, 119, and 504 of Engrossed Substitute House Bill No. 1010.

With the exception of sections 110, 112, 113, 114, 115, 116, 119, and 504, Engrossed Substitute House Bill No. 1010 is approved."

# WASHINGTON LAWS

1995 FIRST SPECIAL SESSION

CHAPTER 1

[Engrossed Substitute Senate Bill 5103]

SUPPLEMENTAL OPERATING BUDGET, 1993-95 FISCAL BIENNIUM

AN ACT Relating to fiscal matters; amending 1994 sp.s. c 6 ss 101, 110, 111, 113, 117, 119, 122, 218, 124, 132, 135, 136, 137, 138, 142, 145, 202, 203, 204, 205, 206, 208, 212, 213, 214, 217, 221, 223, 224, 225, 228, 303, 310, 311, 313, 314, 315, 502, 503, 504, 505, 507, 508, 509, 510, 511, 512, 516, 602, 603, 604, 605, 606, 607, 608, 613, 617, 803, and 804 (uncodified); 1994 sp.s. c 7 s 919 (uncodified); 1993 sp.s. c 24 ss 201, 218, 711, and 804; 1993 sp.s. c 22 s 816 (uncodified); adding new sections to 1993 sp.s. c 24 (uncodified); repealing 1993 sp.s. c 2 s 709 (uncodified); making appropriations; and declaring an emergency.

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

PART 1

GENERAL GOVERNMENT

Sec. 101. 1994 sp.s. c 6 s 101 (uncodified) is amended to read as follows:
FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation . . . . . \$ 45,515,000

((The appropriation in this section is subject to the following conditions and limitations: ~~\$250,000 is provided solely for the fiscal accountability project.~~)

Sec. 102. 1994 sp.s. c 6 s 110 (uncodified) is amended to read as follows:
FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation . . . . . \$ ((1,067,000))
1,101,000

The appropriation in this section is subject to the following conditions and limitations: \$68,000 is provided solely to implement Substitute Senate Bill No. 6111 (ethics for state officers and employees). If the bill is not enacted by June 30, 1994, the amount provided shall lapse.

Sec. 103. 1994 sp.s. c 6 s 111 (uncodified) is amended to read as follows:
FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation . . . . . \$ 24,029,000
Public Safety and Education Account
Appropriation . . . . . \$ 36,102,000
Judicial Information System Account
Appropriation . . . . . \$ 5,277,000
Health Services Account Appropriation . . . . . \$ 117,000
Violence Reduction and Drug Enforcement ((and
Education)) Account Appropriation . . . . . \$ 6,510,000
TOTAL APPROPRIATION . . . . . \$ 72,035,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$23,699,000 of the general fund appropriation is provided solely for the superior court judges program. Of this amount, a maximum of \$20,000 may be used to reimburse county superior courts for superior court judges temporarily

assigned to other counties that are experiencing large and sudden surges in criminal filings. Reimbursement shall be limited to per diem and travel expenses of assigned judges.

(2) \$110,000 of the general fund appropriation is provided solely to implement Substitute Senate Bill No. 5753 (judgeship for Cowlitz county). If the bill is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(3) \$6,510,000 of the drug enforcement and education account appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(4) The administrator for the courts shall provide data processing support to the department of social and health services' division of juvenile rehabilitation in the allocation of grant moneys to local governments.

(5) \$9,820,000 of the public safety and education account is provided solely for the indigent appeals program.

(6) \$50,000 of the general fund appropriation is provided solely to implement the racial disproportionality study recommendations in Engrossed Substitute House Bill No. 1966.

(7) \$170,000 of the general fund appropriation is provided solely to implement sections 3 and 11 of Engrossed Substitute House Bill No. 1084 (jury source list). The office of the administrator for the courts shall allocate funds to the counties and the department of information services for the purposes of implementing these sections.

(8) \$117,000 of the health services account appropriation is provided solely for the implementation of section 418 of Engrossed Second Substitute Senate Bill No. 5304 (medical malpractice review). If section 418 of the bill is not enacted by June 30, 1993, the health services account appropriation shall lapse.

(9) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution, it is the intent of the legislature that the cost of these employer contributions shall be shared equally between the state and the county or counties in which the judges serve. The administrator for the courts shall establish procedures for the collection and disbursement of these employer contributions.

**Sec. 104.** 1994 sp.s. c 6 s 113 (uncodified) is amended to read as follows:  
**FOR THE SECRETARY OF STATE**

General Fund Appropriation . . . . .	\$	((8,549,000))
		<u>10,931,000</u>
Archives and Records Management Account		
Appropriation . . . . .	\$	((3,150,000))
		<u>3,232,000</u>

Personnel Service Account Appropriation . . . . .	\$	600,000
TOTAL APPROPRIATION . . . . .	\$	<del>((12,299,000))</del>
		<u>14,763,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(702,505))~~ 1,715,505 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) ~~\$(2,507,000))~~ 3,767,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) The appropriation from the archives and records management account assumes that at least \$250,000 will be received from local governments during the second year of the biennium to cover the costs to the state archives program of locally generated archival materials.

(4) The productivity board shall not approve any payment to, or agreement with, state employees under the teamwork incentive program under chapter 41.60 RCW unless the board determines that all expenditures savings or revenue increases recognized under the teamwork incentive program award are attributable exclusively to participating employees. Awards under the teamwork incentive program shall not exceed two thousand five hundred dollars per participating employee.

(5) \$95,000 of the general fund appropriation is provided solely for the implementation of the national voters registration act.

**Sec. 105.** 1994 sp.s. c 6 s 117 (uncodified) is amended to read as follows:

**FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund Appropriation . . . . .	\$	<del>((2,178,000))</del>
		<u>2,189,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$64,000 is provided solely for implementation of a program to provide public electronic access to records maintained by the public disclosure commission pursuant to Second Substitute Senate Bill No. 6426 (electronic access). The funds shall not be expended until the program is reviewed by the department of information services to ensure compatibility with other state information systems.

**Sec. 106.** 1994 sp.s. c 6 s 119 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund--State Appropriation . . . . .	\$	6,005,000
General Fund--Federal Appropriation . . . . .	\$	1,632,000
Health Services Account Appropriation . . . . .	\$	175,000
Public Safety and Education Account Appropriation . . . . .	\$	1,249,000

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Legal Services Revolving Fund Appropriation . . .	\$	96,341,000
New Motor Vehicle Arbitration Account		
Appropriation . . . . .	\$	1,784,000
State Investment Board Expense Account		
Appropriation . . . . .	\$	<del>((4,000,000))</del>
		<u>4,300,000</u>
TOTAL APPROPRIATION . . . . .	\$	<del>((11,186,000))</del>
		<u>111,486,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney and support staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) the number of hours and cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. If requested by an agency receiving legal services, the attorney general shall provide the information required in this subsection by program.

(3) \$1,249,000 of the public safety and education account appropriation and \$406,000 of the general fund—state appropriation are provided solely for the attorney general’s criminal litigation unit.

(4) The attorney general shall, in conjunction with the various state hearings boards, develop recommendations for more cost-efficient processing of administrative appeals and report such recommendations to appropriate committees of the legislature by November 15, 1993.

(5) The attorney general shall, in conjunction with state agencies, examine the efficiencies of consolidating support services within the office of the attorney general and report recommendations for consolidation to the office of financial management by April 1, 1994.

(6) \$175,000 of the health services account appropriation and \$350,000 of the legal services revolving fund appropriation are provided solely for anti-trust activities required by Engrossed Second Substitute Senate Bill No. 5304 (health care reform). If the bill is not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

(7) ~~\$((4,000,000))~~ 4,300,000 from the state investment board expense account appropriation is provided solely for attorney general costs and related

expenses in aggressively pursuing litigation related to real estate investments on behalf of the state investment board. To the maximum extent possible, attorney general staff shall be used in pursuing this litigation. The attorney general shall report to the appropriate committees of the legislature regarding litigation expenses and progress and the need for a 1995 supplemental appropriation by December 1, 1994.

(8) The legislature recognizes the need for the attorney general to offer competitive salaries in order to retain experienced legal staff. The attorney general shall submit a report to the legislative fiscal committees by December 1, 1994, comparing the compensation paid by the attorney general's office to other public and private agencies and firms.

(9) The attorney general shall develop recommendations, after consultation with the various state hearings boards, for cost-efficient implementation of alternative dispute resolution and report such recommendations to the appropriate committees of the legislature by December 1, 1994.

(10) \$205,000 of the general fund—state appropriation is provided solely for implementation of Substitute Senate Bill No. 6111 (executive ethics board). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

Sec. 107. 1994 sp.s. c 6 s 122 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

General Fund—State Appropriation . . . . .	\$	<del>((89,550,000))</del>
		<u>107,339,000</u>
General Fund—Federal Appropriation . . . . .	\$	182,029,000
General Fund—Private/Local Appropriation . . . . .	\$	624,000
Public Safety and Education Account		
Appropriation . . . . .	\$	8,402,000
Building Code Council Account Appropriation . . . . .	\$	1,068,000
Public Works Assistance Account Appropriation . . . . .	\$	1,192,000
<u>Violence Reduction and Drug Enforcement</u> ( <del>and</del>		
<del>Education</del> ) Account Appropriation . . . . .	\$	3,908,000
Low Income Weatherization Account Appropriation \$		<del>((6,582,000))</del>
		<u>3,802,000</u>
<u>Manufactured Home Installation Training</u>		
<u>Account Appropriation</u> . . . . .	\$	<u>78,000</u>
Washington Housing Trust Fund Appropriation . . . . .	\$	4,643,000
Enhanced 911 Account Appropriation . . . . .	\$	18,539,000
Administrative Contingency Fund Appropriation . . . . .	\$	1,476,000
TOTAL APPROPRIATION . . . . .	\$	<del>((348,013,000))</del>
		<u>333,100,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,208,000 of the general fund—federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in fiscal year 1994 as follows:

(a) \$3,630,255 to local units of government to continue existing local drug task forces;

(b) \$1,086,240 to the Washington state patrol for coordination, training, and task force expansion to unserved areas of the state;

(c) \$697,128 to the department of community development to continue the state-wide drug prosecution assistance program;

(d) \$93,000 to the department of community development to establish a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(e) \$279,000 to local units of government for urban projects. The distribution shall be made through a competitive grant process administered by the department;

(f) \$174,840 to the department of community development to establish the youth violence prevention and intervention project;

(g) \$214,830 to the department of community development for the state-wide drug offense indigent defense program;

(h) \$782,734 to the department of corrections for the expansion of correctional industries programs. It is the intent of the legislature that this program receive an equal amount of funding from the fiscal year 1995 drug control and system improvement formula grant program appropriation;

(i) \$479,000 to the department of community development for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;

(j) \$46,000 to the Washington state patrol for data collection; and

(k) \$410,400 to the office of financial management for the criminal history records improvement program.

(l) \$128,573 for continuation of the high impact offender prosecution project; and

(m) \$186,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of continuing existing domestic violence advocacy programs, providing legal and other assistance to victims and witnesses in court proceedings, and establishing new domestic violence advocacy programs.

(2) \$7,020,000 of the general fund—federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in fiscal year 1995 as follows:

(a) \$3,122,000 to local units of government to continue multijurisdictional drug task forces;



(b) \$934,000 to the Washington state patrol for coordination, technical assistance, and investigative and supervisory staff support for multijurisdictional narcotics task forces;

(c) \$430,000 to the department of community development to continue the state-wide drug prosecution assistance program;

(d) \$93,000 to the department of community development to continue a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(e) \$744,000 to the department of community development to continue the youth violence prevention and intervention projects;

(f) \$215,000 to the department of community development for the state-wide drug offense indigent defense program;

(g) \$673,000 to the department of corrections for the correctional industries programs;

(h) \$412,000 to the department of community development for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;

(i) \$46,000 to the Washington state patrol for data collection; and

(j) \$351,000 to the office of financial management for the criminal history records improvement program.

(3) In order to offset reductions in federal community services block grant funding for community action agencies, the department shall set aside \$4,800,000 of federal community development block grant funds for distribution to local governments for distribution to community action agencies state-wide.

(4) \$350,000 of the general fund—state appropriation is provided for financial assistance to local governments and nonprofit organizations to assist military dependent communities including, but not limited to Kitsap county, in diversifying their economies. In providing assistance, first priority shall be given to defense diversification and conversion projects which leverage additional federal funds.

(5) \$4,802,000 of the public safety and education account appropriation is provided solely for civil representation of indigent people.

(6) \$3,600,000 of the public safety and education account appropriation and \$1,059,000 of the general fund—state appropriation are provided solely for the office of crime victim's advocacy and for sexual assault treatment services.

(7) \$8,268,000 of the general fund—state appropriation and \$41,610,000 of the general fund—federal appropriation are provided for grant administration and grant assistance as authorized by the president under the federal disaster assistance program. It is the intent of the legislature that the disaster assistance unit continue to be funded as disasters occur not on a permanent basis, and that staffing for the unit be kept to only the minimum number of positions necessary to administer the grants and meet other federal and state requirements.

(8) \$175,000 of the general fund—state appropriation is provided solely for the retired senior volunteer program.

(9) \$50,000 of the general fund—state appropriation is provided solely for a grant to Yakima county to study the import-export opportunities associated with expansion of the Yakima airport in conjunction with increased economic opportunities that result from central Washington's status as a foreign trade zone.

~~((+))~~ (10) \$650,000 of the general fund—state appropriation is provided solely to increase the state's emergency preparedness and planning for catastrophic events.

~~((+))~~ (11) If Senate Bill No. 6023 (transferring emergency management services) is enacted by June 30, 1994, funds appropriated in this section for the division of emergency management shall be transferred to the military department pursuant to section 8 of Senate Bill No. 6023.

~~((+))~~ (12) By November 25, 1994, the department shall report to the fiscal and education committees of the legislature on strategies that maximize the number of children served and, to the greatest extent practicable, preserve or improve program quality within existing resource constraints for the early childhood education assistance program. Strategies evaluated shall include, but not be limited to: (a) Increasing the student-to-staff ratio; (b) over-enrolling slots; (c) increasing the use of nonstate financial resources; (d) reducing the number of nonfour year old children served; (e) administrative program changes; and (f) partnerships with local providers. The department shall also evaluate the reliability of using federal census data to forecast the number of eligible four year old children. The department shall include estimated short-term and long-term savings and costs of each strategy.

~~((+))~~ (13) \$25,000 of the general fund—state appropriation is provided solely for a grant to the Seattle school district to conduct a community use planning study of the Sealth high school—Denny middle school field complex. The study shall include representatives from the Seattle school district, Seattle parks department, the business community, and local citizens groups.

(14) \$13,500,000 of the general fund—state appropriation is provided solely for costs associated with implementation of the emergency coordination center and the state fire mobilization plan.

(15) \$2,000,000 of the general fund—state appropriation is provided solely for the Lake Chelan School District for the purpose of making repairs to correct construction defects in the district's new middle/high school building: PROVIDED, That the district reimburse the state general fund with any moneys recovered from contractors, subcontractors, insurance carriers, bonding companies, and any other responsible entity.

Sec. 108. 1993 sp.s. c 24 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT—  
FIRE PROTECTION POLICY BOARD.** ~~\$(4,865,000)~~ 4,778,000 is appropriated to the department of community development for the purposes of the fire protection policy board. Of this amount, \$2,213,000 is from the general fund—state (~~appropriation~~), \$1,750,000 is from the fire service training account (~~appropriation~~), ~~\$(466,000)~~ 440,000 is from the state toxics control account

((appropriation)), \$((346,000)) 285,000 is from the oil spill administration account ((appropriation)), and \$90,000 is from the fire service trust account ((appropriation)). All expenditures from these funds are subject to the approval of the fire protection policy board. In the event of an across-the-board reduction in general fund allotments under RCW 43.88.110, the percentage reduction in the general—state allotments to the fire protection policy board shall not exceed the percentage reduction to the department’s other general fund—state allotments.

Sec. 109. 1994 sp.s. c 6 s 124 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF PERSONNEL**

Department of Personnel Service Fund

Appropriation . . . . .	\$	16,616,000
Higher Education Personnel Services Account		
Appropriation . . . . .	\$	1,898,000
TOTAL APPROPRIATION . . . . .	\$	18,514,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall reduce its charge for personnel services to the lowest rate possible.

(2) \$((600,000)) 430,000 of the department of personnel service fund appropriation is provided solely for extended insurance benefits for permanent state employees separated through reduction-in-force. An eligible employee may receive a state subsidy of \$100 per month toward his or her insurance benefits purchased under the federal consolidated omnibus budget reconciliation act (COBRA) for a period not to exceed six months from the date of separation. The state health care authority shall administer the insurance benefits and the department shall pay the subsidy through interagency reimbursement, subject to the level of appropriation.

(3) \$500,000 of the department of personnel service fund appropriation is provided solely for a career and employment transition program to assist permanent state employees who are separated due to reduction-in-force, including employee retraining, career counseling, and job placement services.

(4) \$32,000 of the department of personnel service fund appropriation is provided solely for creation, printing, and distribution of the personal benefits statement for state employees.

(5) From the department’s nonappropriated data processing account, the department shall prepare a feasibility study for the design and implementation of a new human resource information system. Authority to expend funds for the feasibility study is conditioned on compliance with section 902 of this act.

(6) The department of personnel shall charge all administrative services costs incurred by the committee for deferred compensation for the deferred compensation program to the deferred compensation administrative account. The department and the committee shall develop an interagency agreement, to be approved by the office of financial management, before any billings to the

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committee commence. Department billings to the committee shall be for actual costs only.

(7) The appropriation from the higher education personnel services account shall be reduced by any amounts expended prior to the effective date of this act under section 613, chapter 24, Laws of 1993 sp. sess., which is repealed by this act.

(8) \$31,000 of the department of personnel service fund appropriation is provided for the employee exchange program with the Hyogo prefecture in Japan.

**Sec. 110.** 1994 sp.s. c 6 s 132 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF REVENUE**

General Fund Appropriation . . . . .	\$	((122,221,000))
		<u>123,962,000</u>
Timber Tax Distribution Account Appropriation . . . . .	\$	4,358,000
State Toxics Control Account Appropriation . . . . .	\$	((74,000))
		<u>70,000</u>
Solid Waste Management Account Appropriation . . . . .	\$	88,000
Pollution Liability Reinsurance Trust Account		
Appropriation . . . . .	\$	231,000
Vehicle Tire Recycling Account Appropriation . . . . .	\$	125,000
Air Operating Permit Account Appropriation . . . . .	\$	36,000
State Oil Spill Administration Account		
Appropriation . . . . .	\$	16,000
Litter Control Account Appropriation . . . . .	\$	((94,000))
		<u>78,000</u>
Enhanced 911 Account Appropriation . . . . .	\$	85,000
TOTAL APPROPRIATION . . . . .	\$	((127,328,000))
		<u>129,049,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$760,000 of the general fund appropriation is provided solely for the information systems project known as "revenue account management." Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) \$85,000 of the enhanced 911 account appropriation is provided solely to implement House Bill No. 2601 (911 excise tax study). If House Bill No. 2601 or substantially similar legislation, is not enacted by June 30, 1994, this appropriation shall lapse.

(3) \$701,000 of the general fund appropriation is provided solely to implement House Bill No. 1322 (senior/disabled property tax). If House Bill No. 1322 or substantially similar legislation is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$1,040,000 of the general fund appropriation is provided solely for senior citizen tax deferral distribution.

**Sec. 111.** 1994 sp.s. c 6 s 135 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund—State Appropriation . . . . .	\$	387,000
General Fund—Federal Appropriation . . . . .	\$	1,306,000
General Fund—Private/Local Appropriation . . . . .	\$	392,000
Risk Management Account Appropriation . . . . .	\$	2,200,000
State Capitol Vehicle Parking Account		
Appropriation . . . . .	\$	<del>((738,000))</del>
		<u>813,000</u>
Motor Transport Account Appropriation . . . . .	\$	11,177,000
Air Pollution Control Account Appropriation . . . . .	\$	114,000
General Administration Facilities and Services		
Revolving Fund Appropriation . . . . .	\$	21,183,000
Central Stores Revolving Account Appropriation . . . . .	\$	3,941,000
Industrial Insurance Premium Refund Account		
Appropriation . . . . .	\$	59,000
TOTAL APPROPRIATION . . . . .	\$	<del>((41,497,000))</del>
		<u>41,572,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall develop a consolidated travel contract with a single best bidder state-wide or best bidders within regions to allow agencies to participate in a rebate on processing and handling costs of booking travel, lodging, and rental vehicle services.

(2) \$870,000 of the motor transport account appropriation is provided solely for replacement of motor vehicles through the state treasurer’s financing contract program under chapter 39.94 RCW. The department may acquire new motor vehicles only to replace and not to increase the number of motor vehicles within the department’s fleet.

(3) \$154,000 of the risk management account appropriation is provided solely for the acquisition of a commercial software package to identify and analyze risk exposure and to administer the tort claims revolving fund and the self insurance liability fund.

(4) \$200,000 of the general administration facilities and services revolving fund appropriation is provided solely for security for the capitol’s west campus area.

(5) \$252,000 of the general administration facilities and services revolving fund appropriation is provided solely for administration and provision of the volunteer capitol campus tours program.

(6) \$160,000 of the motor transport account appropriation is provided solely to replace vehicles purchased under the treasurer’s financing contract program that have been demolished by vehicular accident before the expiration of the contract.

(7) With the exception of the reductions to the office of state procurement, the reductions in this section are intended to be the result of management and operational efficiencies and will not result in a reduced level of direct service to clients, increased delegation or transfer of work to clients, or increased rates for services provided in nonappropriated activities or on a reimbursable basis to clients.

(8) \$1,000 of the industrial insurance premium refund account appropriation is provided solely for the Wasbington school director's association.

**Sec. 112.** 1994 sp.s. c 6 s 136 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF INFORMATION SERVICES**

General Fund Appropriation . . . . .	\$	400,000
Data Processing Revolving Fund Appropriation . .	\$	3,440,000
TOTAL APPROPRIATION . . . . .	\$	3,840,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$400,000 of the nonappropriated data processing revolving fund shall be provided for development and operation of a video telecommunications center. The center shall be financially self-supporting and shall not receive any support from any state sources other than dedicated service fees specifically related to the use of the center.

(2) The department shall spend up to \$75,000 from the non-appropriated data processing revolving fund to design and construct a campus fiber optic system.

(3) The department shall provide a toll-free telephone number and operator service staff for the general public to call for information about state agencies. The department may provide such staff, equipment and facilities as are necessary for this purpose. The director shall adopt rules to fix terms and charges for these services. All state agencies and the legislature shall participate in the information program and shall reimburse the department of information services in accordance with rules established by the director. The department shall also provide conference calling services for state and other public agencies on a fee-for-service basis.

(4) ~~\$(400,000)~~ 325,000 of the general fund—state appropriation is provided solely for costs related to the televising of state government deliberations.

(a) The department shall contract with the nonprofit corporation designated by the office of financial management under section 116(2) of this act for the following services and subject to the following terms and conditions:

(i) \$200,000 is provided solely to connect the legislative building, the temple of justice, the John A. Cherberg building, and the John L. O'Brien building with optical fiber;

(ii) \$50,000 is provided solely to remodel the Dawley building to accommodate the office and production space for the designated nonprofit corporation; and

(iii) \$50,000 is provided solely for construction necessary to access microwave transmission to eastern Washington of the signal produced by the designated nonprofit corporation; and

(b) ~~\$(100,000)~~ 25,000 is provided solely to pay for the direct costs of producing interactive hearings over the Washington interactive teleconferencing system. These hearings shall be linked to the public television system provided for in section 116(2) of this act to broadcast the hearings to the general public. Expenditures for the production of interactive hearings must be approved by the administrative committees of both the house of representatives and the senate and may not exceed a total of fifty thousand dollars in any single year.

(5) \$75,000 of the general fund—state appropriation is provided solely to include legislative information on existing Washington interactive network kiosks throughout the state.

**Sec. 113.** 1994 sp.s. c 6 s 137 (uncodified) is amended to read as follows:  
**FOR THE INSURANCE COMMISSIONER**

Insurance Commissioner's Regulatory Account

Appropriation . . . . .	\$	18,301,000
General Fund—Federal Appropriation . . . . .	\$	104,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>18,405,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(890,000)~~ 834,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement health care reform.

(2) The insurance commissioner shall obtain the approval of the department of information services for any feasibility plan for proposed technology improvements.

**Sec. 114.** 1994 sp.s. c 6 s 138 (uncodified) is amended to read as follows:  
**FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account

Appropriation . . . . .	\$	<del>((1,214,000))</del>
		<u>1,272,000</u>

**Sec. 115.** 1994 sp.s. c 6 s 142 (uncodified) is amended to read as follows:  
**FOR THE MILITARY DEPARTMENT**

General Fund—State Appropriation . . . . .	\$	<del>((8,198,000))</del>
		<u>14,922,000</u>
General Fund—Federal Appropriation . . . . .	\$	8,669,000
General Fund—Private/Local Appropriation . . . . .	\$	186,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<del>((17,053,000))</del>
		<u>23,777,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$6,724,000 of the general fund—state appropriation is provided solely for fire fighting activities.

**Sec. 116.** 1994 sp.s. c 6 s 145 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT**

General Fund—State Appropriation . . . . .	\$	25,167,000
General Fund—Federal Appropriation . . . . .	\$	458,000
General Fund—Local Appropriation . . . . .	\$	40,000
Marketplace Account Appropriation . . . . .	\$	150,000
Motor Vehicle Fund Appropriation . . . . .	\$	582,000
Public Facilities Construction Loan Revolving Account Appropriation . . . . .	\$	238,000
Litter Control Account Appropriation . . . . .	\$	<del>(3,303,000)</del>
		<u>2,758,000</u>
State Convention/Trade Center Account Appropriation . . . . .	\$	3,975,000
Solid Waste Management Account Appropriation	\$	689,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<del><b>((34,602,000))</b></del>
		<u><b>34,057,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall evaluate the progress of the forest products industry's transition into value-added manufacturing and report its findings to the appropriate legislative fiscal and policy committees by September 30, 1994. The report shall recommend strategies for sustaining the effort to increase value-added manufacturing in Washington while decreasing the reliance on state funding.

(2) The marketplace account is created in the state treasury to collect fees and expend funds necessary to implement RCW 43.31.524. Fees and other revenue collected by the marketplace program shall be placed in the marketplace account and may be expended only after appropriation by the legislature. The entire marketplace account appropriation is provided to support the department's marketplace program.

(3) The entire amount from the state convention and trade center account appropriation is provided solely for the Seattle/King county visitor and convention bureau for marketing and promoting the facilities and services of the convention center and the locale as a convention and visitor destination, and related activities. The department shall not expend more than is received from revenue generated by the special excise tax deposited in the state convention and trade center operations account under RCW 67.40.090(3), less any amount specifically provided to the state convention and trade center under section 316 of this act. Projections and actual collections of such revenue shall be determined and updated by the department of revenue. The funds provided in this section are subject to enactment of a marketing agreement to be approved and administered by the state convention and trade center.



(4) \$1,000,000 of the general fund—state appropriation is provided to enhance the off-season tourism program.

(5) \$292,000 of the general fund—state appropriation and \$208,000 of the general fund—federal appropriation are provided for the local economic development capacity building initiative.

(6) \$50,000 of the general fund—state appropriation is provided for the department to work with the Tacoma world trade center for the purpose of assisting small and medium-sized businesses with export opportunities.

(7) Not more than \$774,000 of the general fund—state appropriation may be expended for the operation of the Pacific Northwest export assistance project. The department shall develop and implement a plan for assessing fees for services provided by the project. The amount provided in this subsection is contingent on the receipt of revenues equal to at least twenty-five percent of the expenditures for fiscal year 1995. It is the intent of the legislature that the revenues raised to defray the expenditures of this program will be increased to fifty percent of the expenditures in fiscal year 1996, seventy-five percent of the expenditures in fiscal year 1997, and beginning in fiscal year 1998, the legislature intends that this program will be fully self-supporting.

(8) \$40,000 of the general fund—state appropriation is provided to establish an overseas trade office to be located in the Russian far east. An additional \$40,000 of the general fund—state appropriation shall be held in reserve and shall be released only upon receipt of at least \$40,000 from the ports association or other public entities for the operation of the office. The office is expressly prohibited from accepting any gifts, contributions, or donations of private funds or assistance. It is also the legislature's intent that the trade office remain a publicly owned and operated office for the primary benefit of Russian and Washington state businesses.

(9) In implementing the appropriations set forth in this section, the department shall minimize disproportionate impacts on any programs.

(10) \$250,000 of the general fund—federal appropriation is provided for sections 5, 6, and 16 through 27 of chapter 512, Laws of 1993 (minority and women-owned businesses).

(11) \$30,000 of the general fund—state appropriation is provided solely for an economic analysis related to the construction and operation of a baseball sports facility in King county. The study shall include an analysis of the tax revenues generated as a result of the facility. Each dollar expended from the appropriation in this subsection shall be matched by at least five dollars from nonstate sources expended for the same purpose.

(12) \$632,000 of the general fund—state appropriation is provided solely for the promotion of international trade.

(13) \$25,000 of the general fund—state appropriation is provided solely for the minority and women export assistance program.

(14) \$30,000 of the general fund—state appropriation is provided solely to implement Senate Bill No. 6146 (film and video production facility). If Senate Bill No. 6146 is not enacted by June 30, 1994, this appropriation shall lapse.

~~((16))~~ (15) \$30,000 of the general fund—state appropriation is provided solely to implement Senate Bill No. 5698 (ISO-9000 standards). If Senate Bill No. 5698 is not enacted by June 30, 1994, this appropriation shall lapse.

## PART II HUMAN SERVICES

**Sec. 201.** 1993 sp.s. c 24 s 201 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) ~~((Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose))~~ The appropriations in sections 201 through 214 of chapter 24, Laws of 1993 sp. sess., as amended, shall be expended for the programs and in the amounts listed in those sections. However, after May 1, 1995, unless specifically prohibited by this act, the department may transfer moneys among programs and among amounts provided under conditions and limitations after approval by the director of financial management. Appropriations from the health services account shall not be transferred under this subsection. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels and any deviation from conditions and limitations.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1993. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The department shall identify social service programs administered by the department to be eliminated in fiscal year 1995. The funding for the

identified programs will be used to establish a state social services block grant through which funds will be distributed state-wide on a formula basis to local consortiums, which may include public and private entities. By January 1, 1994, the department shall recommend the following to the appropriate legislative committees: (a) The list of identified programs; (b) a grant proposal process; (c) a method of distribution for the block grant funds including an allocation formula; and (d) a percentage of the block grant to be used for local administration. In developing the recommendations, the department shall consult with representatives of local governments and social service providers. The department's general fund—state appropriation has been reduced by \$1,000,000 to reflect savings which will result in fiscal year 1995 from the elimination of state administration of the identified programs. The department may transfer funds to the division of children and family services from other divisions to the extent that savings are realized in other divisions as a result of these reductions.

Sec. 202. 1994 sp.s. c 7 s 919 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
 CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund—State Appropriation . . . . .	\$	<del>((283,352,000))</del>
		<u>283,479,000</u>
General Fund—Federal Appropriation . . . . .	\$	<del>((216,172,000))</del>
		<u>217,224,000</u>
<u>Violence Reduction and Drug Enforcement</u> ( <del>and</del>		
<del>Education</del> ) Account Appropriation . . . . .	\$	3,722,000
TOTAL APPROPRIATION . . . . .	\$	<del>((503,246,000))</del>
		<u>504,425,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$854,000 of the violence reduction and drug enforcement (~~and education~~) account appropriation and \$300,000 of the general fund—state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(2) \$700,000 of the general fund—state appropriation and \$262,000 of the violence reduction and drug enforcement (~~and education~~) account appropriation are provided solely for up to three nonfacility based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents

of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program.

(3) In the event that the department consolidates children's services offices, the department shall ensure that services continue to be accessible to isolated communities.

(4) The department shall develop and implement a plan for removing categorical barriers to access for families needing departmental child care services. The plan shall be developed in consultation with the child care coordinating committee, and shall include strategies such as: (a) Co-location of child care eligibility workers with other relevant service providers such as resource and referral agencies; (b) development of a uniform application form and process across programs; (c) cross-training of departmental and resource and referral agency child care staff; (d) development of parent brochures; and (e) increased coordination at the local level with child care and early childhood programs operated by other agencies and governmental jurisdictions. The department shall report to appropriate committees of the legislature on the plan and its implementation status by December 1, 1994.

(5) The department shall coordinate funding totaling \$400,000 from all available sources to initiate a residential teen welfare protection program in an urban county with a population over 550,000. The program shall be designed to improve employment and parenting skills of teenage mothers to reduce long-term welfare dependence. The department shall select a provider with experience in providing residential services to adolescent mothers and their infants.

(6) The family policy council under chapter 70.190 RCW shall establish procedures for locating appropriate counseling staff of participating agencies in public schools.

(7) \$900,000 of the general fund—state appropriation, and \$225,000 of the general fund—federal appropriation, are provided solely to implement Engrossed Second Substitute Senate Bill No. 6255 (permanency planning for children). The department may transfer a portion of this amount to the legal services revolving fund for costs associated with implementation of this bill.

(8) \$127,000 of the general fund—state appropriation and \$52,000 of the general fund—federal appropriation are provided solely to conduct a comprehensive, independent analysis of the organizational and procedural changes needed within the children's services administration to better safeguard the safety and well-being of children in the state foster care system. This independent analysis shall be submitted to the appropriate policy and fiscal committees of the legislature no later than April 1, 1995, together with a management plan for implementing its recommendations. The management plan shall identify the specific performance measures by which the agency, legislature, and public can

monitor to determine whether the goal of increasing the well-being of children in the state's care is being achieved.

**Sec. 203.** 1994 sp.s. c 6 s 202 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
 JUVENILE REHABILITATION PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund—State Appropriation . . . . .	\$	<del>((63,808,000))</del>
		<u>66,474,000</u>
General Fund—Federal Appropriation . . . . .	\$	<del>((6,580,000))</del>
		<u>2,603,000</u>
<u>Violence Reduction and Drug Enforcement</u> ( <del>and</del>		
<u>Education</u> ) Account Appropriation . . . . .	\$	1,743,000
TOTAL APPROPRIATION . . . . .	\$	<del>((72,131,000))</del>
		<u>70,820,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$2,800,000 of the general fund—state appropriation is provided solely for consolidated juvenile services for youthful offenders. This does not constitute an ongoing funding commitment by the state.

(b) \$650,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 6593 (learning and life skills program). If the bill is not enacted by June 30, 1994, the amount provided in this subsection (1)(b) shall lapse.

**(2) INSTITUTIONAL SERVICES**

General Fund—State Appropriation . . . . .	\$	<del>((68,563,000))</del>
		<u>71,057,000</u>
<u>General Fund—Federal Appropriation</u> . . . . .	\$	<u>1,022,000</u>
<u>Violence Reduction and Drug Enforcement</u> ( <del>and</del>		
<u>Education</u> ) Account Appropriation . . . . .	\$	826,000
TOTAL APPROPRIATION . . . . .	\$	<del>((69,389,000))</del>
		<u>72,905,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The division of juvenile rehabilitation shall submit a report to the appropriate policy and fiscal committees of the legislature by December 1, 1993, on proposals to implement early release and structured transition services for juvenile offenders.

(b) The department of general administration, in conjunction with the division of juvenile rehabilitation and other state agencies, shall evaluate and make recommendations on the future use of the Green Hill school and/or property as a state facility. The recommendations shall be submitted to the appropriate policy and fiscal committees of the legislature by December 1, 1993.

**(3) PROGRAM SUPPORT**

**Ch. 1 WASHINGTON LAWS, 1995 1st Sp. Sess.**

General Fund—State Appropriation . . . . .	\$	<del>((3,866,000))</del>
		<u>3,369,000</u>
General Fund—Federal Appropriation . . . . .	\$	<del>((456,000))</del>
		<u>120,000</u>
Charitable, Educational, Penal, and Reformatory Institutions		
Account Appropriation . . . . .	\$	300,000
<u>Violence Reduction and Drug Enforcement (and</u>		
<u>Education))</u> Account Appropriation . . . . .		
	\$	265,000
TOTAL APPROPRIATION . . . . .	\$	<del>((4,587,000))</del>
		<u>4,054,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$100,000 of the general fund—state appropriation is provided solely to implement Substitute House Bill No. 1966 (racial disproportionality study recommendations).

(b) The charitable, educational, penal, and reformatory institutions account appropriation is provided for the development of a master plan for facilities, including state institutions, state-operated and contracted group homes, and the contracted or jointly operated use of local, county, or regional facilities.

(i) The master plan shall include:

(A) A forecast, in conjunction with the office of financial management, of future confinement and rehabilitation needs of juvenile offenders, including analysis of trends, demographics, and historical patterns, frequency and degree of violence, length of stay, custody level, recidivism, and the impact of current and anticipated legislation;

(B) An analysis of present facilities and their adequacy, including operational, designed, and emergency capacity, security, safety, infrastructure, program needs, code compliance, and operational costs per unit;

(C) An analysis of options and operating and capital costs to maximize the capacity and use of presently available facilities and to optimize programs therein;

(D) An analysis of projected future needs for facilities and operational programs, including educational and vocational programs operated by the appropriate educational entities, for at least the next six years, which addresses the priorities between institutions, group homes, and use of contracted or jointly operated local or regional beds, and the size, security level, target location, timing and operating and capital costs of any additional facilities;

(E) An analysis of the adequacy of present and planned local or regional capacity, the need for additional local or regional capacity, available local financing, delays in imposing sentences due to unavailable local facilities, and the feasibility of a state role in providing assistance to develop additional local or regional capacity;

(F) An analysis of the feasibility of increasing the state's use of local or regional beds and recommendations for any statutory, fiscal, or program changes needed to keep juvenile offenders sentenced for short terms in local or regional facilities; and

(G) An analysis of which existing or future facilities would best serve as state or regional juvenile offender basic training camps and the capital and operational requirements for their development.

(ii) Development of the master plan shall be done in consultation with county and local entities responsible for juvenile justice and with the appropriate policy and fiscal committees of the legislature.

(iii) A preliminary report on the master plan shall be submitted to the appropriate policy and fiscal committees of the legislature no later than December 1, 1994.

(iv) The division of juvenile rehabilitation shall begin efforts immediately to locate sites for additional facilities and may conduct predesign or undertake preliminary steps for site selection environmental impact statements. However, no funds shall be expended for acquisition, design, or construction of additional state institutional facilities until completion of the master plan and specific authorization by the legislature. It is the intent of the legislature to consider design and construction of additional facilities or other methods to increase capacity in the 1995-1997 biennium.

(c) The division of juvenile rehabilitation shall submit a report to the appropriate policy and fiscal committees of the legislature by December 1, 1994, on proposals to construct and operate juvenile facilities in this state at a cost of no more than the national average. The division shall identify statutory, policy, and personnel decisions that have caused this state to have higher construction and operating costs than the national average.

(4) SPECIAL PROJECTS

General Fund—Federal Appropriation . . . . . \$ 1,296,000

Sec. 204. 1994 sp.s. c 6 s 203 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund—State Appropriation . . . . .	\$	<del>((239,460,000))</del>
		<u>242,460,000</u>
General Fund—Federal Appropriation . . . . .	\$	<del>((166,309,000))</del>
		<u>181,124,000</u>
General Fund—Local Appropriation . . . . .	\$	<del>((9,000,000))</del>
		<u>10,600,000</u>
<u>Health Services Account Appropriation</u> . . . . .	<u>\$</u>	<u>2,317,000</u>
TOTAL APPROPRIATION . . . . .	\$	<del>((414,769,000))</del>
		<u>436,501,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$4,618,000 of the general fund—state appropriation and \$5,409,000 of the general fund—federal appropriation are provided solely for additional children's mental health services required in accordance with the medicaid early and periodic screening, diagnosis, and treatment program. By January 1, 1994, the secretary of social and health services shall issue practice guidelines to assist mental health regional support networks and providers determine the scope and duration of mental health services typically required by specific conditions for which mental health intervention is medically necessary.

(b) \$2,000,000 of the general fund—state appropriation, of which \$500,000 shall be from the 1993-95 current level allocation for regional support networks, and \$1,080,000 of the general fund—federal appropriation are provided solely for a risk pool fund to support a collaborative effort between the eastern Washington regional support networks and eastern state hospital. Moneys from this fund shall be expended as payments to regional support networks for reductions in usage of bed days at eastern state hospital, or, to the extent such reductions are not made, to cover resulting budget deficits at the hospital. The intended reductions in hospital bed days, the expected reductions in costs in the state hospitals, and the amount and timing of payments shall be specified in contracts negotiated between the department and the eastern Washington regional support networks. Money from this fund shall not be used to meet any operating deficits at eastern state hospital resulting from causes unrelated to a failure of the regional support networks to reduce bed day usage as specified in contracts.

(c) The secretary of social and health services shall allot to the mental health division funds appropriated to the division of medical assistance for voluntary community psychiatric hospitalizations. The amount transferred shall be the total projected expenditures for voluntary psychiatric hospitalizations in the 1993-95 biennium. The mental health division shall work with mental health regional support networks to design and implement improved prevention, crisis intervention, diversion, and other strategies for reducing avoidable psychiatric hospitalizations. Regional support networks that succeed in reducing voluntary and involuntary hospitalization costs below the baseline level forecast for their region shall receive bonus payments for their performance. The mental health division shall seek approval from the federal government to include federal matching funds in the bonus payments under medicaid waivers.

(d) Regional support networks shall use portions of the general fund—state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(e) \$560,000 of the general fund—state appropriation is provided solely to assist western Washington regional support networks in reducing the average daily population of western state hospital.



(f) The secretary of social and health services shall assure that any reductions in state grants to recover state payments subsequently reimbursed through federal sources are targeted to those providers at which federal recoveries will actually occur. The reductions shall not be spread on a formula basis across all providers and regional support networks.

(g) The department shall submit to the house of representatives appropriations committee and the senate ways and means committee by November 15, 1994, a report outlining the following: The ratio of state to local short term commitments, the number of clients receiving services, service types, service costs by type and per person served, and the method of measuring service delivery for each service type. The report shall be presented so that each quarter of the 1993-95 biennium and the 1991-93 biennium is identified separately, each regional support network is identified separately, costs are identified separately, and each service type is identified separately. Service types shall include at least residential programs, employment programs, and other service types that lead to normalizing activities.

(h) The health services account appropriation is provided solely for services to children eligible for services as a result of the 1994 expansion of medicaid eligibility to two hundred percent of the federal poverty level.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation . . . . .	\$	((136,118,000))
		<u>137,347,000</u>
General Fund—Federal Appropriation . . . . .	\$	((99,320,000))
		<u>100,156,000</u>
General Fund—Local Appropriation . . . . .	\$	42,498,000
Industrial Insurance Premium Refund Account		
Appropriation . . . . .	\$	((507,000))
		<u>1,423,000</u>
TOTAL APPROPRIATION . . . . .	\$	((278,443,000))
		<u>281,424,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The mental health program at western state hospital shall continue to utilize labor provided by the Tacoma prerelease program of the department of corrections.

(b) From appropriations provided in this section and in section 208 of this act, the secretary of social and health services shall establish a consolidated, privately-operated program specializing in the involuntary treatment of chemically dependent clients, and the voluntary treatment of mentally ill chemical abusers, on the grounds of the northern state multi-service center. In establishing this consolidated program with discrete treatment components, the secretary shall involve mental health and chemical dependency treatment providers, advocacy groups, and local system administrators in designing the

program, developing its admission and discharge procedures, and selecting and monitoring the contractor.

(c) The secretary of social and health services shall phase out operation of the PORTAL program at the northern state multi-service center. In accomplishing this phase down, the secretary shall:

(i) Work with regional support networks, families and advocacy groups, and other community service providers to assure that appropriate community services are in place for people transitioning out of the PORTAL program; and

(ii) Develop and implement a transition plan for state employees dislocated by the phase down of the PORTAL program. The plan shall be tailored to the situations of individual workers and shall include strategies such as individual employment counseling through the departments of personnel and employment security, retraining and placement into other state jobs, placement of state employees with private contractors, and small business assistance.

(d) The division is authorized to purchase goods and services for the state hospitals through alternative means and shall coordinate these efforts with the office of procurement services within the department of general administration.

(e) The secretary of social and health services shall develop with regional support networks a plan for reducing their utilization of the state mental hospitals during the 1995-97 biennium by at least 90 beds, 60 from western state hospital and 30 from eastern state hospital. All expenditures from regional support network capital reserves which have been accumulated with state payments shall be contingent upon the regional support network's implementation of the plan.

(3) CIVIL COMMITMENT

General Fund Appropriation . . . . .	\$	((5,718,000))
		<u>6,053,000</u>

(4) SPECIAL PROJECTS

General Fund—State Appropriation . . . . .	\$	1,899,000
General Fund—Federal Appropriation . . . . .	\$	2,946,000
TOTAL APPROPRIATION . . . . .	\$	4,845,000

(5) PROGRAM SUPPORT

General Fund—State Appropriation . . . . .	\$	((4,951,000))
		<u>5,043,000</u>
General Fund—Federal Appropriation . . . . .	\$	1,757,000
TOTAL APPROPRIATION . . . . .	\$	((6,708,000))
		<u>6,800,000</u>

Sec. 205. 1994 sp.s. c 6 s 204 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
 DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund—State Appropriation . . . . .	\$	((205,103,000))
		<u>203,630,000</u>

General Fund—Federal Appropriation . . . . .	\$	((130,724,000))
		<u>132,336,000</u>
<u>Health Services Account Appropriation . . . . .</u>	<u>\$</u>	<u>29,000</u>
TOTAL APPROPRIATION . . . . .	\$	((335,827,000))
		<u>335,995,000</u>
 (2) INSTITUTIONAL SERVICES		
General Fund—State Appropriation . . . . .	\$	((125,442,000))
		<u>131,347,000</u>
General Fund—Federal Appropriation . . . . .	\$	((163,647,000))
		<u>163,465,000</u>
General Fund—Local Appropriation . . . . .	\$	9,143,000
TOTAL APPROPRIATION . . . . .	\$	((298,232,000))
		<u>303,955,000</u>
 (3) PROGRAM SUPPORT		
General Fund—State Appropriation . . . . .	\$	((5,673,000))
		<u>5,988,000</u>
General Fund—Federal Appropriation . . . . .	\$	((963,000))
		<u>1,413,000</u>
TOTAL APPROPRIATION . . . . .	\$	((6,636,000))
		<u>7,401,000</u>

(4) The appropriations in this section are subject to the following conditions and limitations:

(a) The population of the state residential habilitation centers shall be reduced by at least 123 persons by January 1995. This shall be accomplished by providing appropriate community services for those residents who are most ready to move, and by closing the building and administration at Interlake School. In implementing this redeployment of resources, the secretary of social and health services shall assure that:

(i) No individual shall be moved from an institutional to a community setting until sufficient services and support arrangements are in place to assure the individual's health, safety, personal well-being, and continued growth and development on an ongoing basis;

(ii) The savings to general fund—state expenditures from the residential habilitation center consolidations shall exceed the additional costs of new community services for persons moving from the residential habilitation centers by at least \$1,200,000;

(iii) A transition plan is developed and implemented for state employees dislocated by the redeployment. The plan shall be tailored to the situations of individual workers and shall include strategies such as individual employment counseling through the departments of personnel and employment security; retraining and placement into other state jobs; placement of state employees with private contractors; and assistance establishing private community service programs; and

(iv) A report is submitted to appropriate committees of the legislature by October 1, 1993, and at the beginning of each biennial quarter thereafter, on specific plans for accomplishing the goals of this subsection (4)(a), and their outcomes.

(b)(i) The number of persons receiving community residential services shall not be reduced below the end of fiscal year 1993 level, and shall be increased by the number of persons moving from residential habilitation centers; and

(ii) The benchmark wage and benefits rate for contracted community residential providers shall not be reduced below the January 1993 level.

(c) In addition to slots needed to accommodate persons moving from ICF/MR and nursing facilities, the secretary shall seek federal approval to expand by at least 750 the number of persons receiving services under federal medicaid home- and community-based services waivers. If the waiver request is not approved by the federal health care financing administration, the secretary is authorized to use up to \$18,000,000 of the general fund—state appropriation to develop intermediate care facilities for the mentally retarded, personal care, rehabilitative, and other services reimbursable under medicaid without a waiver of federal rules. The secretary shall report to the ways and means committee of the senate and the appropriations committee of the house of representatives by February 1, 1994, on the outcome of these efforts.

(d) The secretary shall report to appropriate committees of the legislature by January 1, 1994, on efforts to obtain federal approval to include living units at Fircrest school as group homes under medicaid home- and community-based services waivers.

(e) In developing employment support plans for individuals with developmental disabilities, counties shall utilize, for those who are programmatically eligible, social security work incentive programs such as plans for achieving self support (PASS) and impairment-related work expense (IRWE).

(f) Counties shall use a portion of the general fund—state appropriation for the implementation of working agreements with the vocational rehabilitation program to maximize the use of federal funding for vocational programs.

(g) \$1,935,000 of the general fund—state appropriation is provided solely for employment programs, or community access programs to the extent that the programs will lead to employment, for those persons who complete a high school curriculum during the 1993-95 biennium. Portions of this amount may be used for employment programs developed through the vocational rehabilitation program. Federal appropriations for this purpose are provided in the appropriations for the vocational rehabilitation program.

Sec. 206. 1994 sp.s. c 6 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation . . . . .	\$	((629,313,000))
		<u>632,353,000</u>

General Fund—Federal Appropriation . . . . .	\$	((727,267,000))
		<u>728,283,000</u>
General Fund—Private/Local Appropriation . . . . .	\$	2,004,000
TOTAL APPROPRIATION . . . . .	\$	((1,358,584,000))
		<u>1,362,640,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) During the first quarter of the fiscal biennium, the department shall transfer recipients of the chore services program who require assistance with household tasks only to the volunteer chore services program. At least \$2,277,000 of the general fund—state appropriation shall be used solely for the volunteer chore services program.

(2) \$100,000 of the general fund—state appropriation and \$100,000 of the general fund—federal appropriation are provided solely for studying and developing a nursing home case mix reimbursement methodology. The department shall consult with the legislative budget committee in developing its recommendations.

(3) \$354,000 of the general fund—state appropriation and \$354,000 of the general fund—federal appropriation are provided solely to develop a management information system to collect and maintain information on home and community-based long-term care services and clients.

(4) \$180,000 of the general fund—state appropriation is provided solely for adult day health services for persons with AIDS. These services shall be provided through a state-only program by a single agency specializing in long-term care for persons with AIDS.

(5) \$150,000 of the general fund—state appropriation is provided solely for the purpose of accelerating the criminal background check process for employees of long-term care facilities, including reducing the turnaround time for nursing facilities licensed under chapter 18.51 RCW and carrying out in full the duties imposed on the department under section 14(2) of Engrossed Second Substitute House Bill No. 2154.

(6) The department shall submit recommendations to the house of representatives health care and appropriations committees and the senate health and human services and ways and means committees by November 15, 1994, on methods to reduce the growth in long term care expenditures to a level no greater than the fiscal growth factors established under Initiative 601. These recommendations shall be developed in collaboration with long term care consumer and provider group representatives, and shall include strategies such as: (a) Assuring that people receive the least costly level of hospital, nursing home, or community-based care consistent with their needs; (b) eliminating excessive and duplicative regulatory, monitoring, and paperwork requirements, to the extent allowed by federal regulations and consistent with quality care, including consideration of any recommendations developed pursuant to section 481, chapter 492, Laws of 1993; (c) increasing the extent to which care tasks can be

performed by properly trained and supervised people other than licensed personnel; (d) providing nursing facility preplacement screening and discharge planning regardless of payment source; (e) selective contracting for medicaid funded long-term care services based on considerations of cost and quality; and (f) obtaining federal waivers to reduce the number of medicaid recipients served in nursing facilities relative to other types of long-term care.

**Sec. 207. 1994 sp.s. c 6 s 206 (uncodified) is amended to read as follows:  
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
INCOME ASSISTANCE PROGRAM**

General Fund—State Appropriation . . . . .	\$	<del>((698,640,000))</del>
		<u>714,038,000</u>
General Fund—Federal Appropriation . . . . .	\$	<del>((610,195,000))</del>
		<u>627,431,000</u>
TOTAL APPROPRIATION . . . . .	\$	<del>((1,308,835,000))</del>
		<u>1,341,469,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$300,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$55	71	86	102	117	133	154	170

(2) \$164,000 of the general fund—state appropriation and \$196,000 of the general fund—federal appropriation are provided solely to implement the comprehensive plan to coordinate services for homeless children and families. AFDC families whose children are in short-term (less than ninety days) foster care shall retain their grants. In addition, AFDC shall be reactivated for families at risk of homelessness thirty days prior to family reunification for children placed in foster care for more than ninety days.

(3) \$644,000 of the general fund—state appropriation and \$712,000 of the general fund—federal appropriation are provided solely for the elimination of the one hundred hour rule for recipients of aid to families with dependent children—employable. This change shall take effect July 1, 1994, if the federal government has approved this amendment to the Title IV federal social security act state plan.

**Sec. 208. 1994 sp.s. c 6 s 208 (uncodified) is amended to read as follows:**

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
MEDICAL ASSISTANCE PROGRAM**

General Fund—State Appropriation . . . . .	\$	<del>((+200,957,000))</del> <u>1,132,964,000</u>
General Fund—Federal Appropriation . . . . .	\$	<del>((+791,792,000))</del> <u>1,751,664,000</u>
General Fund—Local Appropriation . . . . .	\$	<del>((361,950,000))</del> <u>360,915,000</u>
Health Services Account Appropriation . . . . .	\$	<del>((57,979,000))</del> <u>29,365,000</u>
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<del>((3,412,678,000))</del> <u><b>3,274,908,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(2) \$160,000 of the general fund—state appropriation and \$160,000 of the general fund—federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(3) The department shall contract for the services of private debt collection agencies to maximize financial recoveries from third parties where it is not cost-effective for the state to seek the recovery directly.

(4) \$3,128,000 of the general fund—state appropriation is provided solely for treatment of low-income kidney dialysis patients.

(5) \$144,000 of the general fund—state appropriation is provided solely to continue the DECODE program.

(6) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(7) ~~\$(53,442,000))~~ 24,808,000 of the health services account—state appropriation and ~~\$(58,202,000))~~ 25,131,000 of the general fund—federal appropriation are provided solely to expand medicaid eligibility to 200 percent of poverty for children through age 18, effective July 1, 1994. The appropriation in this subsection includes \$662,000 from the health services account—state and \$808,000 from general fund—federal to accelerate the implementation of managed care in the medicaid program. It also includes funds to administer the expanded caseload and to coordinate with the basic health plan. This subsection includes funds for full coverage of children enrolled in the basic health plan and eligible for medicaid under eligibility standards in place July 1, 1993. It is the intent of the legislature that children covered through this expanded coverage shall be enrolled in managed care plans to the maximum extent possible. The department shall seek to expand its managed care waivers to require children funded through this subsection to enroll in the basic health plan or other

managed care systems. The department shall create a special eligibility category for children covered by this eligibility expansion, so that expenditures, unit costs and individuals served may be reported consistently over time. The department shall also provide for consistent reporting on other medicaid children served through the basic health plan.

(8) \$644,000 of the health services account appropriation is provided solely for costs associated with the waiver application required by health care reform.

(9) \$1,693,000 of the health services account appropriation is provided solely to expand maternity care services previously supported through the department of health.

(10) \$100,000 of the general fund—state appropriation and \$800,000 of the general fund—federal appropriation are provided solely for one-time additional outreach efforts to extend family planning coverage to more women and to establish on-site family planning capabilities at the Spokane North community services office.

(11) \$400,000 of the general fund—state appropriation and \$400,000 of the general fund—federal appropriation are provided solely for transitioning social security income clients to the healthy options managed care program during the current biennium.

**Sec. 209. 1994 sp.s. c 6 s 212 (uncodified) is amended to read as follows:  
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State Appropriation . . . . .	\$	45,744,000
General Fund—Federal Appropriation . . . . .	\$	38,172,000
TOTAL APPROPRIATION . . . . .	\$	83,916,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the legislature by December 1, 1993, on strategies for reducing workers compensation costs in developmental disabilities, juvenile rehabilitation, and mental health facilities operated by the department of social and health services.

(2) The report shall identify the specific 1994-97 costs and savings associated with at least the following strategies for reducing workers compensation claims and costs: (a) Injury prevention strategies; (b) improved return to work efforts; (c) more effective claims management through designation of a specific claims unit in the department of labor and industries; and (d) more effective claims management through delegation of claims management responsibility to the department of social and health services.

(3) The report shall also address the projected costs and benefits of at least the following strategies for financing injury and claims reduction efforts: (a) Upfront loss control credits; (b) post-biennial charges for actual costs rather than



the current three-year actuarially adjusted method; (c) revised case reserve policies; and (d) reducing the number of state employee risk classifications.

(4) The report shall be submitted to the committees on ways and means and labor and commerce of the senate, and to the committees on appropriations and commerce and labor of the house of representatives.

(5) The department shall enter an interagency agreement transferring \$100,000 to the human rights commission by August 1, 1993, to offset the cost of investigating claims filed with the commission by department employees and clients.

(6) The secretary of social and health services and the director of labor and industries shall negotiate and implement an upfront loss control discount as recommended in the agencies' January 1994 report to the legislature. The agreement shall identify: (a) Specific, measurable goals for reduced worker injuries and time-loss in the state developmental disabilities institutions and mental hospitals; (b) the actions that each agency will take to accomplish such reductions; and (c) the methods and frequency with which progress toward those goals shall be reported. By July 1, 1994, and every six months thereafter, the departments shall report to the appropriate fiscal and policy committees of the legislature on the status of the agreement and changes to date in injury and time-loss rates.

(7) The secretary shall develop and implement a plan for increasing the sensitivity and effectiveness with which the department implements the requirement that parents of developmentally disabled children in foster care contribute to the cost of their child's care. The plan shall be a coordinated effort of the divisions of children and family services, developmental disabilities, and support enforcement, and shall include strategies such as (a) providing parents with easy-to-understand brochures informing them of their rights and responsibilities; (b) providing training for advocacy and parent support groups on financial responsibility requirements and procedures; (c) designating specially-trained workers to manage collections for developmental disabilities cases; and (d) at the secretary's discretion, foregoing of federal reimbursement which would require unduly intrusive collection activities such as automatic wage attachments or collection for amounts owed prior to notification of financial responsibility.

(8) \$660,000 of the general fund—state appropriation is provided solely for a matching grant to assist united way of Pierce county with the purchase of the historic Sprague building in downtown Tacoma. The Sprague building acquisition will allow for consolidation of many human services activities and available space will be leased at below market rates. The united way of Pierce county shall provide space in the Sprague building for the department of social and health services at no charge.

(9) \$195,000 of the general fund—state appropriation is provided solely for a matching grant to assist the center for human services with purchasing a building in King county to house it's social services and educational programs.

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State matching funds are intended to reduce housing costs and will allow more local funding to be available for direct services to clients.

Sec. 210. 1994 sp.s. c 6 s 213 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
COMMUNITY SERVICES ADMINISTRATION PROGRAM**

General Fund—State Appropriation . . . . .	\$	<u>((222,778,000))</u>
		<u>220,068,000</u>
General Fund—Federal Appropriation . . . . .	\$	<u>((255,588,000))</u>
		<u>252,253,000</u>
Health Services Account Appropriation . . . . .	\$	793,000
TOTAL APPROPRIATION . . . . .	\$	<u>((479,159,000))</u>
		<u>473,114,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$12,110,000 of the general fund—state appropriation and \$17,454,000 of the general fund—federal appropriation are provided solely for the development of the automated client eligibility system. Authority to expend these funds is conditioned on compliance with section 902 of this act.

(2) The department shall distribute additional staff positions to community service offices to address increased workloads. In distributing the positions, the department shall ensure that additional staff are provided to the community service offices with the greatest workload in relation to current staff resources.

(3) \$793,000 of the health services account—state and \$969,000 of the general fund—federal appropriation are provided solely for the costs associated with expanding medicaid eligibility to 200 percent of poverty level for children through age 18, effective July 1, 1994.

(4) The department shall immediately develop mechanisms for the income assistance program, the medical assistance program, and community services administration to facilitate the enrollment in the federal supplemental security income program for disabled persons currently receiving aid to families with dependent children.

(5) \$611,000 of the general fund—state appropriation and \$611,000 of the general fund—federal appropriation are provided solely to (a) train community service office staff in the effective communication of the expectation that public assistance recipients will enter employment, (b) provide family planning and employment information and educational video programs in the community service office waiting rooms, and (c) hold community meetings and workshops to involve community members and clients in developing effective strategies for service delivery.

(6) \$1,697,000 of the general fund—state appropriation and \$1,997,000 of the general fund—federal appropriation are provided solely to implement provisions of Engrossed Second Substitute House Bill No. 2798 (public assistance reform) which provide for increased access to family planning in the

community service offices, a system to track recipients who leave assistance having taken any job offered, coordination and planning of an evaluation of state-wide changes to public assistance which take effect July 1, 1995, and changes to the automated client eligibility system.

(7) \$750,000 of the general fund—federal appropriation is provided solely as matching funds for the administrative contingency fund appropriation in the employment security department to implement section 6 of Engrossed Second Substitute House Bill No. 2798 (public assistance reform).

(8) \$100,000 of the general fund—state appropriation and \$100,000 of the general fund—federal appropriation are provided solely for the Washington state institute of public policy to continue conducting, for one additional year, its longitudinal study of families receiving, or at risk of receiving, public assistance.

**Sec. 211.** 1994 sp.s. c 6 s 214 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—**  
**(~~REVENUE COLLECTIONS~~) CHILD SUPPORT PROGRAM**

General Fund—State Appropriation . . . . .	\$	((41,409,000))
		<u>45,300,000</u>
General Fund—Federal Appropriation . . . . .	\$	((136,539,000))
		<u>134,605,000</u>
General Fund—Local Appropriation . . . . .	\$	((36,141,000))
		<u>31,421,000</u>
TOTAL APPROPRIATION . . . . .	\$	((214,089,000))
		<u>211,326,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$415,000 of the general fund—state appropriation and \$139,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. 5723 (increased recovery from social service clients). If the bill is not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

(2) \$47,000 of the general fund—state appropriation is provided solely to implement House Bill No. 2492 (medicaid estate recovery). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

**Sec. 212.** 1994 sp.s. c 6 s 217 (uncodified) is amended to read as follows:  
**FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY**

General Fund Appropriation . . . . .	\$	((27,418,000))
		<u>6,810,000</u>
Health Services Account Appropriation . . . . .	\$	((136,568,000))
		<u>111,892,000</u>
State Health Care Authority Administrative Account Appropriation . . . . .	\$	((9,928,000))
		<u>10,359,000</u>
TOTAL APPROPRIATION . . . . .	\$	((173,914,000))
		<u>129,061,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) From the nonappropriated retired school employees insurance account, the health care authority shall reimburse the department of retirement systems through interagency agreements for enrolling K-12 retirees in a state-administered health benefits plan.

(2) \$1,205,000 of the health services account appropriation is provided solely for health care reform planning. If Engrossed Substitute Senate Bill No. 5304 (health care reform) is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(3) \$6,810,000 of the general fund appropriation and \$5,000,000 of the health services account appropriation are provided solely to implement the transfer of the community health clinics funding from the department of health provided in Engrossed Substitute Senate Bill No. 5304 (health care reform).

(4) \$222,000 of the health services account appropriation is provided solely to work with school districts in preparation of providing school employees state-administered health care plans, in accordance with Engrossed Substitute Senate Bill No. 5304 (health care reform).

(5) The health care authority shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1993. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(6)(a) ~~\$(130,153,000)~~ 105,465,000 of the health services account appropriation ~~((and \$20,608,000 of the general fund appropriation are))~~ is provided solely for health coverage through the subsidized portion of the basic health plan and program administration. ~~((Expenditures from the general fund amount provided in this subsection shall be made only to the extent that the office of financial management certifies that revenues to the health services account during the 1993-95 fiscal biennium are insufficient to fully fund all appropriations from the health services account for the biennium. Total expenditures under this subsection shall not exceed \$130,153,000.))~~

(b) Beginning July 1, 1993, the administrator shall coordinate coverage with the medical assistance division of the department of social and health services to earn federal matching funds and to provide full medical assistance services for eligible children.

**Sec. 213.** 1994 sp.s. c 6 s 221 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund—State Appropriation . . . . .	\$	9,487,000
Public Works Administration—State Appropriation \$		1,591,000
Public Safety and Education Account State		
Appropriation . . . . .	\$	<u>((20,513,000))</u>
		<u>20,795,000</u>
Public Safety and Education Account Federal		
Appropriation . . . . .	\$	<u>((6,165,000))</u>
		<u>6,354,000</u>
Public Safety and Education Account Private/Local		
Appropriation . . . . .	\$	<u>((400,000))</u>
		<u>339,000</u>
Accident Fund—State Appropriation . . . . .	\$	141,261,000
Accident Fund—Federal Appropriation . . . . .	\$	9,112,000
Electrical License Fund Appropriation . . . . .	\$	17,315,000
Farm Labor Revolving Account Appropriation . .	\$	28,000
Medical Aid Fund—State Appropriation . . . . .	\$	<u>((163,949,000))</u>
		<u>163,131,000</u>
Medical Aid Fund—Federal Appropriation . . . . .	\$	1,592,000
Plumbing Certificate Fund Appropriation . . . . .	\$	700,000
Pressure Systems Safety Fund Appropriation . . . .	\$	1,857,000
Worker and Community Right-to-Know Fund		
Appropriation . . . . .	\$	2,145,000
TOTAL APPROPRIATION . . . . .	\$	<u>((375,815,000))</u>
		<u>375,707,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the legislature by January 1, 1994, on strategies for reducing workers compensation costs in developmental disabilities, juvenile rehabilitation, and mental health facilities operated by the department of social and health services.

(2) The report shall identify the specific 1994-97 costs and savings associated with at least the following strategies for reducing workers compensation claims and costs: (a) Injury prevention strategies; (b) improved returned to work efforts; (c) more effective claims management through designation of a specific claims unit in the department of labor and industries; and (d) more effective claims management through delegation of claims management responsibility to the department of social and health services.

(3) The report shall also address the projected costs and benefits of at least the following strategies for financing injury and claims reduction efforts: (a) Upfront loss control credits; (b) post-biennial charges for actual costs rather than

the current three-year actuarially adjusted method; (c) revised case reserve policies; and (d) reducing the number of state employee risk classifications.

(4) The report shall be submitted to the committees on ways and means and labor and commerce of the senate, and to the committees on appropriations and commerce and labor of the house of representatives.

(5) Expenditure of funds appropriated in this section for the information systems projects identified in agency budget requests as "prime migration" and "state fund information system" is conditioned upon compliance with section 902 of this act.

(6) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education act funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider and managed care contracts; (c) place benefit maximums on treatment; (d) coordinate with the department of social and health services to use public safety and education account funds as the match for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims; and (e) establish priorities for the provision of services to eligible claimants as follows:

(i) Emergency medical services (inclusive of sexual assault examinations and emergency transportation);

(ii) Nonemergency medical and outpatient mental health services;

(iii) Family member mental health services;

(iv) Direct compensation (wage loss and disability) benefits on future claims; and

(v) Substance abuse and inpatient mental health services.

(7) \$470,000 of the medical aid fund—state appropriation is provided solely for activities required by Engrossed Second Substitute Senate Bill No. 5304 (health care reform). If the bill is not enacted by July 1, 1993, the amount provided in this subsection shall lapse.

(8) The director of labor and industries and the secretary of social and health services shall negotiate and implement an upfront loss control discount as recommended in the agencies' January 1994 report to the legislature. The agreement shall identify: (a) Specific, measurable goals for reduced worker injuries and time-loss in the state developmental disabilities institutions and mental hospitals; (b) the actions which each agency will take to accomplish such reductions; and (c) the methods and frequency with which progress toward those goals shall be reported. By July 1, 1994, and every six months thereafter, the departments shall report to the appropriate fiscal and policy committees of the legislature on the status of the agreement, and changes to date in injury and time-loss rates.

(9) \$108,000 of the general fund—state appropriation is provided solely for an interagency agreement to reimburse the board of industrial insurance appeals for crime victims appeals.

(10) Up to \$1,500,000 of the medical aid fund—state appropriation is provided solely to implement section 4 of Substitute House Bill No. 2696 (chemically related illness). Prior to the expenditure of these funds, an agency implementation plan must be approved as required under section 4 of Substitute House Bill No. 2696. If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

(11) \$210,000 of the general fund—state appropriation is provided solely for enhancing the building inspection program.

(12) The department shall provide support to the workers' compensation advisory committee which shall undertake a review of the cost-effectiveness and appellate structure of the board of industrial insurance appeals system. The committee shall seek input from all interested and affected parties. The committee shall report its recommendations to the governor and the legislature by December 1, 1994.

**Sec. 214.** 1994 sp.s. c 6 s 223 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**(1) HEADQUARTERS**

General Fund Appropriation . . . . .	\$	2,565,000
Industrial Insurance Premium Refund Account		
Appropriation . . . . .	\$	78,000
Charitable, Educational, Penal, and Reformatory		
Institutions Account Appropriation . . . . .	\$	4,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>2,647,000</b>

**(2) FIELD SERVICES**

General Fund—State Appropriation . . . . .	\$	<del>((3,437,000))</del>
		<u>3,479,000</u>
General Fund—Federal Appropriation . . . . .	\$	618,000
General Fund—Local Appropriation . . . . .	\$	<del>((58,000))</del>
		<u>16,000</u>
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>4,113,000</b>

**(3) VETERANS HOME**

General Fund—State Appropriation . . . . .	\$	<del>((8,090,000))</del>
		<u>8,489,000</u>
General Fund—Federal Appropriation . . . . .	\$	<del>((10,154,000))</del>
		<u>9,372,000</u>
General Fund—Local Appropriation . . . . .	\$	<del>((7,528,000))</del>
		<u>8,035,000</u>
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b><del>((25,772,000))</del></b>
		<u>25,896,000</u>

**(4) SOLDIERS HOME**

General Fund—State Appropriation . . . . .	\$	<del>((5,598,000))</del>
		<u>8,387,000</u>
General Fund—Federal Appropriation . . . . .	\$	<del>((5,869,000))</del>
		<u>4,353,000</u>

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General Fund—Local Appropriation . . . . .	\$	((4,642,000))
		<u>4,447,000</u>
TOTAL APPROPRIATION . . . . .	\$	((16,109,000))
		<u>17,187,000</u>

**Sec. 215.** 1994 sp.s. c 6 s 224 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund—State Appropriation . . . . .	\$	89,662,000
General Fund—Federal Appropriation . . . . .	\$	183,990,000
General Fund—Local Appropriation . . . . .	\$	21,462,000
Hospital Commission Account Appropriation . . .	\$	((3,028,000))
		<u>3,228,000</u>
Medical Disciplinary Account Appropriation . . . .	\$	1,806,000
Health Professions Account Appropriation . . . .	\$	((27,772,000))
		<u>28,716,000</u>
Industrial Insurance Account Appropriation . . . .	\$	14,000
State Toxics Control Account Appropriation . . . .	\$	((3,091,000))
		<u>2,922,000</u>
<u>Violence Reduction and Drug Enforcement ((and</u>		
<u>Education)) Account Appropriation . . . . .</u>	\$	467,000
Medical Test Site Licensure Account		
Appropriation . . . . .	\$	1,832,000
Safe Drinking Water Account Appropriation . . . .	\$	2,710,000
Public Health Services Account Appropriation . .	\$	20,000,000
Youth Tobacco Prevention Account Appropriation	\$	((1,830,000))
		<u>1,605,000</u>
Water Quality Account Appropriation . . . . .	\$	2,997,000
Health Services Account Appropriation . . . . .	\$	((12,587,000))
		<u>12,812,000</u>
Waterworks Operator Certification Account		
Appropriation . . . . .	\$	((522,000))
		<u>406,000</u>
TOTAL APPROPRIATION . . . . .	\$	((373,770,000))
		<u>374,629,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,465,000 of the general fund—state appropriation is provided for the implementation of the Puget Sound water quality management plan.

(2) \$3,900,000 of the public health services account appropriation is provided solely to implement Second Substitute Senate Bill No. 5239 (centralizing poison information services). If the bill is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(3) \$2,750,000 of the public health services account appropriation is provided solely for teen pregnancy prevention activities as provided in Engrossed



Substitute House Bill No. 1408 (teen pregnancy prevention). The media campaign portion of the program shall be provided through a nonprofit corporation.

(4) \$1,000,000 of the public health services account appropriation is provided solely for a counter message advertising campaign aimed at reducing high risk teen behaviors, reducing tobacco and substance abuse, and encouraging sexual abstinence. The media campaign shall be provided through a nonprofit corporation.

(5) \$100,000 of the public health services account appropriation is provided solely for the community-based multicultural assistance program.

(6) \$1,000,000 of the public health services account appropriation is provided solely for immunization programs to include: \$200,000 for provider and public education, \$200,000 for demonstration projects in low-income or economically distressed areas, and \$600,000 for competitive challenge grants to be matched on a one-to-one basis by applicant communities.

(7) \$1,000,000 of the public health services account appropriation is provided solely for enhanced family planning services.

(8) \$250,000 of the public health services account appropriation is provided solely for development of the public health services improvement plan.

(9) \$10,000,000 of the public health services account appropriation is provided solely for distribution to local health departments for distribution on a per capita basis. Prior to distributing these funds, the department shall adopt rules and procedures to ensure that these funds are not used to replace current local support for public health programs.

(10) \$1,507,000 of the health services account appropriation is provided solely for improving recruitment and retention of primary care providers in rural and underserved areas.

(11) \$1,948,000 of the health services account appropriation is provided solely for training emergency medical service personnel.

(12) \$280,000 of the health services account appropriation is provided solely for malpractice insurance for volunteer primary care providers.

(13) \$613,000 of the health services account appropriation is provided solely for development of the health personnel improvement plan.

(14) \$1,918,000 of the health services account appropriation is provided solely for special services for children from throughout the state through Children's hospital.

(15) \$3,530,000 of the health services account appropriation is provided solely for data activities associated with health care reform.

(16) \$1,375,000 of the health services account appropriation is provided solely for the state board of health and health policy activities of the department of health.

(17) \$997,000 of the health services account appropriation is provided solely for the certification of emergency services personnel and ambulance services licensing activities performed by the department of health.

(18) \$419,000 of the health services account appropriation is provided solely for the pesticide program activities in the department of health.

(19) \$225,000 of the health services account appropriation is provided solely to replace funds due to a reduction in the youth tobacco prevention account revenue.

(20) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1993. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

~~((20))~~ (21) The department is authorized to raise existing public water systems operator certification fees in excess of the fiscal growth factor established by Initiative 601 in order to meet the actual costs of certification and regulation.

~~((21))~~ (22) \$1,158,000 of the general fund—state appropriation is provided to the department of health for the violence prevention act (Engrossed Second Substitute House Bill No. 2319). The department will develop comprehensive rules for the collection of data related to violence, risk, and protective factors. In addition, the department will also establish standards for local health departments to use in planning and policy development to prevent juvenile crime and develop a reporting format for public media to voluntarily report efforts to reduce violence.

~~((22))~~ (23) \$25,000 of the general fund—state appropriation is provided solely to develop a state-wide youth suicide prevention plan.

**Sec. 216.** 1994 sp.s. c 6 s 225 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF CORRECTIONS**

The appropriations in this section shall be expended for the programs and in the amounts listed in this section. However, after May 1, 1995, unless specifically prohibited by this act, the department may transfer moneys among programs after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels.

(1) COMMUNITY CORRECTIONS

General Fund—State Appropriation . . . . .	\$	<del>((136,845,000))</del>
		<u>132,129,000</u>
<u>Violence Reduction and Drug Enforcement</u> ( <del>and</del> <del>Education</del> ) Account Appropriation . . . . .	\$	114,000
TOTAL APPROPRIATION . . . . .	\$	<del>((136,959,000))</del>
		<u>132,243,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: The department shall not expend any funds appropriated in this act for the supervision of misdemeanants, except in the case of agreements entered into by the department with units of local government pursuant to RCW 72.09.300.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation . . . . .	\$	<del>((502,077,000))</del>
		<u>498,218,000</u>
<u>Violence Reduction and Drug Enforcement</u> ( <del>and</del> <del>Education</del> ) Account Appropriation . . . . .	\$	1,836,000
TOTAL APPROPRIATION . . . . .	\$	<del>((503,913,000))</del>
		<u>500,054,000</u>

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund—State Appropriation . . . . .	\$	<del>((27,386,000))</del>
		<u>33,361,000</u>
<del>((State Capital Vehicle Parking Account</del> <del>Appropriation . . . . .</del>	<del>\$</del>	<del>90,000))</del>
Industrial Insurance Premium Refund Account Appropriation . . . . .	\$	147,000
TOTAL APPROPRIATION . . . . .	\$	<del>((27,623,000))</del>
		<u>33,508,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$356,000 of the general fund—state appropriation is provided solely for the development of a centralized claims data collection system for health services provided by the department to inmates. Expenditures are contingent on the formal approval by the health care authority of the design of the system. The department shall report, by January 1, 1995, to the house of representatives corrections committee, the house of representatives appropriations committee, and the senate ways and means committee on savings that may result from centralized claims administration and bill review. The report shall also contain plans and a timeline for the development and implementation of comprehensive cost containment strategies developed in conjunction with the health care authority.

(b) By January 1, 1996, the department shall develop a standard set of health services available for inmates in correctional facilities consistent with the

schedule of services that meets the coverage for subsidized enrollees in the basic health plan, pursuant to chapter 70.47 RCW. The services for incarcerated inmates shall exceed the level of services available under the basic health plan for subsidized enrollees only to the extent that they have been identified by the secretary as medically necessary. At such time as the legislature adopts a uniform benefits package pursuant to RCW 43.72.130, the department shall replace the schedule of services for incarcerated inmates with the health care services allowed under the uniform benefits package. The uniform benefits package of services for incarcerated inmates shall exceed the services available under the uniform benefits package only to the extent that they have been identified as medically necessary and appropriate supplemental benefits and services by the secretary.

(c) The department shall submit recommendations to the house of representatives appropriations committee, the house of representatives capital committee, and the senate ways and means committee by January 1, 1995, on methods of reducing operating costs in its facilities through the use of highest and best use analysis and life cycle cost analysis as developed by the legislative budget committee in its report Department of Corrections Capacity Planning and Implementation (LBC 94-1). In identifying options for reductions in its operating budget, the department shall specify the capital costs and savings as well as operating budget savings related to each option.

(d) Indian Ridge correctional center shall be made available to the division of juvenile rehabilitation by October 15, 1994. The department of corrections and the division of juvenile rehabilitation may enter into a contract for operation of the facility prior to the date of transfer.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation . . . . . \$ 3,797,000

(5) REVOLVING FUNDS

General Fund—State Appropriation . . . . . \$ ~~((10,576,000))~~  
10,242,000

**Sec. 217.** 1994 sp.s. c 6 s 228 (uncodified) is amended to read as follows:  
**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund—State Appropriation . . . . . \$ ~~((1,997,000))~~  
2,000,000

General Fund—Federal Appropriation . . . . . \$ 144,834,000

General Fund—Local Appropriation . . . . . \$ 19,982,000

Industrial Insurance Premium Account—State  
Appropriation . . . . . \$ 30,000

Administrative Contingency Fund—Federal  
Appropriation . . . . . \$ 8,235,000

Unemployment Compensation Administration Fund—  
Federal Appropriation . . . . . \$ 152,309,000

Employment Service Administration Account

Federal Appropriation . . . . .	\$	11,340,000
Employment Training Trust Fund Appropriation . . . . .	\$	7,804,000
TOTAL APPROPRIATION . . . . .	\$	<del>((346,531,000))</del>
		<u>346,534,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$63,000 of the administrative contingency fund—federal appropriation is provided solely to implement section 30 of chapter 315, Laws of 1991, (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for the department to contract with the department of community development for support of existing employment centers in timber-dependent communities.

(2) \$215,000 of the administrative contingency fund—federal appropriation is provided solely for the department to contract with the department of community development for support of existing reemployment support centers.

(3) \$643,000 of the administrative contingency fund—federal appropriation is provided solely for programs authorized in sections 5 through 9 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, countercyclical program for timber-impacted areas).

(4) \$304,000 of the administrative contingency fund—federal appropriation is provided solely for programs authorized in section 3 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, self-employment enterprise development program for timber areas).

(5) \$289,000 of the administrative contingency fund—federal appropriation is provided solely for programs authorized in sections 3, 4, 5, and 9 of chapter 315, Law of 1991 (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for administration of extended unemployment benefits (timber AB screening - UI benefits extensions).

(6) \$671,000 of the administrative contingency fund—federal appropriation is provided solely for the corrections clearinghouse coordinator.

(7) \$778,000 of the administrative contingency fund—federal appropriation is provided solely for the corrections clearinghouse ex-offender program.

(8) \$313,000 of the administrative contingency fund—federal appropriation is provided solely for the corrections clearinghouse career awareness program.

(9) \$1,790,471 of the administrative contingency fund—federal appropriation is provided solely for the Washington service corps program.

(10) \$270,000 of the unemployment compensation account—federal appropriation is provided solely for the resource center for the handicapped.

(11) The employment security department shall spend no more than \$22,069,541 of the general fund—federal appropriation for the general unemployment insurance development effort (GUIDE) project. Of this amount, \$8,291,000 is transferred to the office of financial management to monitor the contract and expenditures for the GUIDE project. The office of financial management shall report to the appropriate legislative committees on the progress

of GUIDE by January 1, 1995. Authority to expend this amount is conditioned on compliance with section 902 of chapter 24, Laws of 1993, sp. sess.

(12) \$300,000 of the general fund—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1529 (timber programs reauthorization). If Engrossed Substitute House Bill No. 1529 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(13) \$275,000 of the general fund—state appropriation is provided solely to implement a youth gang prevention program. If Engrossed Substitute House Bill No. 1333 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(14) \$400,000 of the general fund—state appropriation is provided solely for transfer to the department of social and health services division of vocational rehabilitation solely to contract with the Washington initiative for supported employment for the purpose of continuing the promotion of supported employment services for persons with significant disabilities.

(15) \$400,000 of the general fund—state appropriation is provided solely to implement the Washington serves program. If Substitute House Bill No. 1969 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(16) \$500,000 of the administrative contingency fund appropriation is provided solely to match \$750,000 of the general fund—federal appropriation for the department of social and health services. The \$1,250,000 is provided solely for additional job counselors required under section 6 of Engrossed Second Substitute House Bill No. 2798 (public assistance reform).

(17) \$600,000 of the general fund—state appropriation is provided solely to fund projects that provide employment and training opportunities for disadvantaged youth under a youthbuild or youthbuild-type program. "Youthbuild" means any program that provides disadvantaged youth with opportunities for employment, education, leadership development, entrepreneurial skills development, and training in the construction or rehabilitation of housing for special need populations, very low-income households, or low-income households.

(18) \$68,000 of the employment service administration account—federal appropriation is provided solely for supporting the unemployment insurance task force as prescribed under chapter 483, Laws of 1993 and Substitute Senate Bill No. 6217 (unemployment insurance task force).

(19) \$3,000 of the general fund—state appropriation is provided solely to reimburse the department for unemployment compensation costs owed by the redistricting commission.

**PART III  
NATURAL RESOURCES**

Sec. 301. 1994 sp.s. c 6 s 303 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

General Fund—State Appropriation . . . . .	\$	53,557,000
General Fund—Federal Appropriation . . . . .	\$	44,601,000
General Fund—Private/Local Appropriation . . . . .	\$	946,000
Special Grass Seed Burning Research Account		
Appropriation . . . . .	\$	132,000
Reclamation Revolving Account Appropriation . . . . .	\$	2,096,000
Emergency Water Project Revolving Account		
Appropriation: Appropriation pursuant to		
chapter 1, Laws of 1977 ex.s. . . . .	\$	312,000
Litter Control Account Appropriation . . . . .	\$	<del>((6,388,000))</del>
		<u>5,293,000</u>
State and Local Improvements Revolving Account—		
Waste Disposal Facilities: Appropriation		
pursuant to chapter 127, Laws of 1972		
ex.s. (Referendum 26) . . . . .	\$	<del>((2,632,000))</del>
		<u>2,302,000</u>
Industrial Insurance Premium Refund Account		
Appropriation . . . . .	\$	172,000
State and Local Improvements Revolving Account—		
Water Supply Facilities: Appropriation pursuant		
to chapter 234, Laws of 1979 ex.s.		
(Referendum 38) . . . . .	\$	1,349,000
Stream Gaging Basic Data Fund Appropriation . . . . .	\$	221,000
Vehicle Tire Recycling Account Appropriation . . . . .	\$	9,782,000
Water Quality Account Appropriation . . . . .	\$	2,701,000
Wood Stove Education Account Appropriation . . . . .	\$	1,297,000
Worker and Community Right-to-Know Fund		
Appropriation . . . . .	\$	439,000
State Toxics Control Account—State		
Appropriation . . . . .	\$	<del>((54,147,000))</del>
		<u>46,835,000</u>
Local Toxics Control Account Appropriation . . . . .	\$	3,207,000
Water Quality Permit Account Appropriation . . . . .	\$	<del>((20,714,000))</del>
		<u>19,185,000</u>
Solid Waste Management Account		
Appropriation . . . . .	\$	11,463,000
Underground Storage Tank Account		
Appropriation . . . . .	\$	2,835,000
Hazardous Waste Assistance Account		
Appropriation . . . . .	\$	4,112,000

Air Pollution Control Account Appropriation . . .	\$	13,841,000
Oil Spill Response Account Appropriation . . . . .	\$	7,060,000
Oil Spill Administration Account Appropriation .	\$	3,526,000
Fresh Water Aquatic Weed Control Account		
Appropriation . . . . .	\$	1,978,000
Air Operating Permit Account Appropriation . . .	\$	4,566,000
Water Pollution Control Revolving Account—State		
Appropriation . . . . .	\$	177,000
Water Pollution Control Revolving Account—Federal		
Appropriation . . . . .	\$	1,034,000
Public Works Assistance Account Appropriation .	\$	4,000,000
Water Right Processing and Data Management		
Account Appropriation . . . . .	\$	2,154,000
TOTAL APPROPRIATION . . . . .	\$	<u>((261,439,000))</u>
		<u>251,173,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,222,000 of the general fund—state appropriation and \$1,071,000 of the general fund—federal appropriation are provided for the implementation of the Puget Sound water quality management plan.

(2) \$7,800,000 of the general fund—state appropriation is provided solely for the auto emissions inspection and maintenance program. Expenditure of the amount provided in this subsection is contingent upon a like amount being deposited in the general fund from auto emission inspection fees in accordance with RCW 70.120.170(4).

(3) \$400,000 of the general fund—state appropriation is provided solely for water resource management activities associated with the continued implementation of the regional pilot projects started in the 1991-93 biennium.

(4) ~~\$(3,100,000))~~ 2,500,000 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(5) \$4,566,000 of the air operating permit fee account appropriation and \$642,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1089, reauthorizing air operating permits. If Engrossed Substitute House Bill No. 1089 is not enacted by June 30, 1993, \$4,566,000 of the air operating permit fee account appropriation and \$642,000 of the air pollution control account appropriation shall lapse.



(6) Of the solid waste management account appropriation, \$6,100,000 is provided solely for grants to local governments to implement waste reduction and recycling programs, \$75,000 is provided solely for grants to local governments for costs related to contaminated oil collected from publicly used oil collection facilities, and \$40,000 is provided solely for school recycling awards. If Second Substitute Senate Bill No. 5288 is not enacted by June 30, 1993, \$10,200,000 of the solid waste management account appropriation and the amounts provided in this subsection shall lapse.

(7)(a) \$2,000,000 of the general fund—state appropriation is provided solely for the continued implementation of the water resources data management system.

(b) If Engrossed Second Substitute Senate Bill No. 6291 (water rights processing) is enacted by June 30, 1994, subsection (7)(a) is null and void and \$1,625,000 of the general fund—state appropriation and \$125,000 of the water right processing and data management account appropriation are provided solely for the continued implementation of the water resources data management system.

(8)((+)) For fiscal year 1994, \$3,750,000 of the general fund—state appropriation is provided to administer the water rights permit program. For fiscal year 1995, not more than \$1,375,000 of the general fund—state appropriation may be expended for the program unless legislation to increase fees to fund at least fifty percent of the full cost of the water rights permit program, including data management, is enacted by June 30, 1994.

(9) \$1,175,000 of the reclamation revolving account appropriation is provided solely for the administration of the well drilling program. If House Bill No. 1806 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(10) The department of ecology shall cooperate with the department of community development and shall carry out its responsibility under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirements, in consultation with the office of financial management.

(11) \$2,500,000 of the general fund—state appropriation is provided for funding labor-intensive environmental restoration projects, including projects using the Washington conservation corps. In awarding grant contracts, the department shall give priority to projects which implement watershed action plans. If the governor convenes an environmental restoration task force, then projects funded from the amount provided in this subsection shall be subject to review by the task force.

(12) \$256,000 of the general fund—state appropriation is provided to identify and designate regional water resource planning areas in the central Puget Sound region and to prepare one or more comprehensive water resource plans for the designated area or areas. To assist in preparing the report, the department

shall assemble representatives from state agencies, local governments and tribal governments. The report shall identify suggested boundaries, water resource issues relevant to each planning area, and public and private groups having specific interests in the region's water resource issues. The report shall be provided to the governor and the appropriate committees of the legislature by March 15, 1994. Within 90 days thereafter, the governor shall direct the development of a comprehensive water resources plan or plans required by RCW 90.54.040(1). Any amount of this appropriation in excess of \$156,000 shall not be expended unless matched by an equal amount from utilities and local governments.

(13) \$238,000 of the water quality permit account appropriation is provided solely for implementation of Substitute House Bill No. 1169 (marine finfish). If Substitute House Bill No. 1169 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(14) Within the appropriations provided in this section, sufficient funds are provided to implement sections 8 through 15 of Second Engrossed Substitute House Bill No. 1309 (wild salmonids).

(15) Pursuant to RCW 43.135.055, the department is authorized to increase water well operators' fees under chapter 18.104 RCW, by rule, to an amount not to exceed two hundred fifty dollars for a two-year period.

(16) Pursuant to RCW 43.135.055, the department is authorized to increase site use permit fees under RCW 43.200.080, by rule, to an amount sufficient to recover up to \$143,000 in costs associated with the Northwest interstate compact on low-level radioactive waste management.

(17) \$100,000 of the public works assistance account is provided solely for technical analysis and coordination with the army corps of engineers and local agencies to address the breach in the south jetty at the entrance of Grays Harbor.

(18) \$29,000 of the worker and community right-to-know fund appropriation is provided solely for conducting an environmental equity study to include information on the distribution of environmental facilities and toxic chemical releases in relation to low-income and minority communities.

(19) \$100,000 of the general fund—state appropriation is provided solely on a one-time basis for the implementation of Engrossed Substitute House Bill No. 2521 (metals mining and milling). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse. Consistent with section 27 of Engrossed Substitute House Bill 2521, the metals mining advisory group shall recommend to the legislature by January 1, 1995, a fee schedule that fully supports all provisions of Engrossed Substitute House Bill No. 2521.

(20) \$50,000 of the water quality account appropriation is provided solely to contract with the Hood Canal coordinating council to: (a) Pursue methods to control existing nonpoint source pollution; (b) improve cooperation among local, state, federal, and tribal governmental agencies with management authority over Hood Canal; (c) encourage more centralized research and baseline data

collection; and (d) inform and educate local residents and decision makers about the need to protect the watershed's environmental integrity.

**Sec. 302.** 1994 sp.s. c 6 s 310 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF FISHERIES**

General Fund—State Appropriation . . . . .	\$	<del>((55,930,000))</del>
		<u>56,050,000</u>
General Fund—Federal Appropriation . . . . .	\$	25,048,000
General Fund—Private/Local Appropriation . . . .	\$	9,609,000
Aquatic Lands Enhancement Account Appropriation	\$	4,269,000
Industrial Insurance Premium Refund Account		
Appropriation . . . . .	\$	28,000
Oil Spill Administration Account Appropriation .	\$	388,000
Recreational Fish Enhancement—State		
Appropriation . . . . .	\$	3,749,000
TOTAL APPROPRIATION . . . . .	\$	<del>((99,021,000))</del>
		<u>99,141,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,049,410 of the general fund—state appropriation is provided to implement the Puget Sound water quality management plan.

(2) \$1,441,000 of the aquatic lands enhancement account appropriation is provided solely for wildstock restoration programs for salmon species outside of the Columbia river basin. Work will include the development, implementation and evaluation of specific stock restoration plans. The department of fisheries shall provide a progress report to the governor and appropriate legislative committees by September 6, 1994.

(3) \$723,000 of the aquatic lands enhancement account appropriation is provided solely for shellfish management and enforcement.

(4) ~~\$((200,000))~~ 50,000 of the general fund—state appropriation is provided solely for attorney general costs on behalf of the department of fisheries in defending the state and public interest in tribal halibut litigation (*United States v. Washington* subproceeding 91-1 and *Makah v. Mosbacher*). The attorney general costs shall be paid as an interagency reimbursement.

(5) ~~\$((689,000))~~ 839,000 of the general fund—state appropriation is provided solely for attorney general costs on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission in defending the state and public interest in tribal shellfish litigation (*United States v. Washington*, subproceeding 89-3). The attorney general costs shall be paid as an interagency reimbursement.

(6) The department of fisheries shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood

reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.

(7) Within the appropriations provided in this section, sufficient funds are provided to implement sections 1 through 6 of Second Engrossed Substitute House Bill No. 1309 (wild salmonids).

(8) \$3,200,000 of the general fund—state appropriation is contingent upon the enactment of Substitute Senate Bill No. 5980 (fishing licenses). If Substitute Senate Bill 5980 is not enacted by June 30, 1993, \$3,200,000 of the general fund—state appropriation shall lapse.

(9) \$115,000 of the general fund—state appropriation is provided solely to maintain the south Puget Sound net pen facility.

(10) \$110,000 of the general fund—state appropriation is provided solely for the operation of the Issaquah Hatchery.

(11) \$53,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 6125 (combined recreational hunting and fishing license). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

Sec. 303. 1994 sp.s. c 6 s 311 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF WILDLIFE**

General Fund Appropriation . . . . .	\$	<del>((10,021,000))</del>
		<u>10,204,000</u>
ORV (Off-Road Vehicle) Account Appropriation .	\$	480,000
Aquatic Lands Enhancement Account		
Appropriation . . . . .	\$	1,112,000
Public Safety and Education Account		
Appropriation . . . . .	\$	590,000
Wildlife Fund—State Appropriation . . . . .	\$	50,776,000
Wildlife Fund—Federal Appropriation . . . . .	\$	32,101,000
Wildlife Fund—Private/Local Appropriation . . . .	\$	12,402,000
Game Special Wildlife Account Appropriation . .	\$	1,012,000
Oil Spill Administration Account		
Appropriation . . . . .	\$	520,000
TOTAL APPROPRIATION . . . . .	\$	<del>((109,618,000))</del>
		<u>109,197,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$482,145 of the general fund appropriation is provided to implement the Puget Sound water quality management plan.

(2) The department of wildlife shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood

reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.

(3) \$920,000 of the general fund appropriation is provided solely to address stewardship needs on state lands. Of this amount, \$820,000 is provided for the Washington conservation corps program established under chapter 43.220 RCW.

(4) \$140,000 of the general fund appropriation is provided for a cooperative effort with the department of agriculture for research and eradication of purple loosestrife on state lands.

**Sec. 304.** 1994 sp.s. c 6 s 313 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund—State Appropriation . . . . .	\$	<del>((46,994,000))</del>
		<u>71,194,000</u>
General Fund—Federal Appropriation . . . . .	\$	906,000
General Fund—Private/Local Appropriation . . . . .	\$	264,000
ORV (Off-Road Vehicle) Account Appropriation . . . . .	\$	3,092,000
Forest Development Account Appropriation . . . . .	\$	37,614,000
Survey and Maps Account Appropriation . . . . .	\$	1,519,000
Aquatic Lands Enhancement Account Appropriation . . . . .	\$	2,524,000
Surface Mining Reclamation Account Appropriation . . . . .	\$	1,271,000
Resource Management Cost Account Appropriation . . . . .	\$	81,990,000
Aquatic Land Dredged Material Disposal Site Account Appropriation . . . . .	\$	738,000
Air Pollution Control Account Appropriation . . . . .	\$	852,000
Natural Resources Conservation Areas Stewardship Account Appropriation . . . . .	\$	1,119,000
Oil Spill Administration Account Appropriation . . . . .	\$	65,000
Litter Control Account Appropriation . . . . .	\$	<del>((506,000))</del>
		<u>421,000</u>
Industrial Insurance Premium Refund Account Appropriation . . . . .	\$	76,000
Watershed Restoration Account Appropriation . . . . .	\$	10,000,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<del><b>((189,530,000))</b></del>
		<u><b>213,645,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$((7,072,000))~~ 31,272,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$993,000 of the appropriations in this section are provided to implement the Puget Sound water quality management plan.

(3) \$450,000 of the general fund—state appropriation and \$900,000 of the resource management cost account appropriation are provided solely for the displaced forest-products worker program under chapter 50.70 RCW.

(4) \$1,400,000 of the general fund—state appropriation is provided solely to address stewardship needs on state lands. Of this amount, \$1,250,000 shall be expended for the Washington conservation corps program established under chapter 43.220 RCW.

(5) \$1,271,000 of the surface mining reclamation account is provided solely for surface mining regulation activities.

(6) \$1,200,000 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.

(7) \$2,000,000 of the general fund—state appropriation and \$2,000,000 of the amount referenced in subsection (13) of this section are provided solely to fund labor-intensive natural resource and forest restoration projects. In providing forest related employment opportunities, the department shall give first priority to hiring workers unemployed as a result of reduced timber supply. If the governor convenes an environmental restoration task force, then projects funded from the amount provided in this subsection shall be subject to review by the task force.

(8) The department of natural resources shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.

(9) \$60,000 of the general fund—state appropriation is provided solely for the department to contract for increased development of the Mount Tahoma cross-country ski trails system.

(10) \$450,000, of which \$225,000 is from the resource management cost account appropriation and \$225,000 is from the aquatic lands enhancement account appropriation, is provided solely for the control and eradication of Spartina.

(11) \$1,555,000 of the general fund—state appropriation is provided solely for increased workload associated with forest practice compliance and watershed management.

(12) The department of natural resources shall provide its quarterly trust revenue forecast to the office of financial management and the legislature on a timetable which is consistent with the submission of the state economic and revenue forecast to the governor and the legislature by the economic and revenue forecast council. In preparing its forecasts and to the extent feasible, the department shall use economic assumptions that are consistent with those used by the economic and revenue forecast council.

(13) The full amount of the watershed restoration account appropriation in this section is provided solely for the watershed recovery partnership program established in Engrossed Substitute Senate Bill No. 6243 (omnibus capital budget).

(14) \$50,000 of the general fund—state appropriation is provided solely on a one-time basis for the implementation of Engrossed Substitute House Bill No. 2521 (metals mining and milling). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse. Consistent with section 27 of Engrossed Substitute House Bill No. 2521, the metals mining advisory group shall recommend to the legislature by January 1, 1995, a fee schedule that fully supports all provisions of Engrossed Substitute House Bill No. 2521.

(15) \$5,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 6556 (public lands rental/TV districts). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

**Sec. 305.** 1994 sp.s. c 6 s 314 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF AGRICULTURE**

General Fund—State Appropriation . . . . .	\$	<del>((14,523,000))</del>
		<u>14,853,000</u>
General Fund—Federal Appropriation . . . . .	\$	4,186,000
State Toxics Control Account Appropriation . . . .	\$	<del>((1,103,000))</del>
		<u>1,043,000</u>
Weights and Measures Account Appropriation . .	\$	864,000
State Industrial Insurance Premium Refund Account		
Appropriation . . . . .	\$	74,000
TOTAL APPROPRIATION . . . . .	\$	<del>((20,750,000))</del>
		<u>21,020,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$71,000 of the general fund—state appropriation is provided solely to implement the Puget Sound water quality management plan element NP-6. The department shall provide technical assistance to local governments in the process of developing watershed management plans.

(2) \$300,000 of the general fund—state appropriation and the entire weights and measures account appropriation are provided solely for the department's weights and measures program.

(3) \$493,000 of the general fund—state appropriation is provided solely to promote international trade.

(4) The department shall report to the governor and the appropriate fiscal committees of the legislature, by November 15, 1994, regarding administrative costs of the agency and how such costs are being allocated between programs and funds sources within the agency.

**Sec. 306.** 1994 sp.s. c 6 s 315 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF MARINE SAFETY**

Oil Spill Administration Account

Appropriation . . . . .	\$	3,992,000
State Toxics Control Account Appropriation . . . .	\$	<u>((298,000))</u>
		<u>282,000</u>
TOTAL APPROPRIATION . . . . .	\$	<u>((4,290,000))</u>
		<u>4,274,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$963,000 of the oil spill administration account appropriation is provided solely for the implementation of a field operations program in accordance with Substitute House Bill No. 1144. The marine oversight board shall provide an assessment of the work plan to implement the office of marine safety's field operations program. A report containing the marine oversight board's assessment of the field operations program, including recommendations for the allocation of resources, shall be submitted to the office of financial management, the office of marine safety, and appropriate committees of the legislature by August 1, 1993.

(2) \$224,000 of the oil spill administration account appropriation is provided solely for the implementation of a field operations program on the Columbia river. This funding level assumes that the state of Oregon will provide office space and other forms of in-kind support.

(3) \$153,000 of the oil spill administration account appropriation is provided solely for the marine oversight board. After July 1, 1994, funding provided in this subsection is for meeting-related costs only.

**PART V  
EDUCATION**

**Sec. 501.** 1994 sp.s. c 6 s 502 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR  
GENERAL APPORTIONMENT (BASIC EDUCATION)**

General Fund Appropriation . . . . .	\$	<u>((6,007,518,000))</u>
		<u>5,986,385,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) The general fund appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) Allocations for certificated staff salaries for the 1993-94 and 1994-95 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:



(a) On the basis of each 1,000 average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units for grades K-12, excluding full time equivalent handicapped enrollment recognized for funding purposes under section 507 of this act;

(ii) 49 certificated instructional staff units, as required in RCW 28A.150.260(2)(b), for grades K-3, excluding full time equivalent handicapped students ages six through eight;

(iii) An additional 5.3 certificated instructional staff units for grades K-3;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater.

(B) Districts at or above 51.0 certificated instructional staff per one thousand full time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year.

(C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units for grades 4-12, excluding full time equivalent handicapped students ages nine and above; and

(b) For school districts with a minimum enrollment of 250 full time equivalent students whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time

equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full time equivalent enrollment in vocational education programs and skill center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in grades K-8, 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 grades K-8:

(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 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent students in grades K-8 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 grades K-6, 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 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1993-94 and 1994-95 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades K-12, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 21.29 percent in the 1993-94 school year and 21.29 percent in the 1994-95 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.73 percent in the 1993-94 school year and 18.73 percent in the 1994-95 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 504 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,251 per certificated staff unit in the 1993-94 school year and a maximum of \$7,439 per certificated staff unit in the 1994-95 school year.

(b) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$13,817 per certificated staff unit in the 1993-94 school year and a maximum of \$14,176 per certificated staff unit in the 1994-95 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$341 for the 1993-94 school year and \$341 per year for the 1994-95 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1992-93 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$4,953,000 outside the basic education formula during fiscal years 1994 and 1995 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 \$409,000 may be expended in fiscal year 1994 and a maximum of \$419,000 may be expended in fiscal year 1995.

(b) For summer vocational programs at skills centers, a maximum of \$1,905,000 may be expended in fiscal year 1994 and a maximum of \$1,924,000 may be expended in fiscal year 1995.

(c) A maximum of \$296,000 may be expended for school district emergencies.

(10) The superintendent shall distribute a maximum of \$18,750,000 outside the basic education formula for the purchase of instructional materials and technology related investments to improve learning for all students. The superintendent shall allocate the funds at a maximum rate of \$20.61 per full time equivalent student, beginning September 1, 1994, and ending June 30, 1995, except that each skill center shall be allocated \$40,000 instead of receiving a per student allocation from participating school districts. The expenditure of the funds shall be determined at each school site by the school building staff, parents, and the community where site-based decision-making has been adopted or, where not adopted, by the building staff including itinerant teachers. Expenditures on technology investments by a school site should, to the greatest extent possible, be consistent with the district's technology plan. School districts shall distribute all funds received without deduction for indirect costs. Funds

provided by this subsection do not fall within the definition of basic education under Article IX of the state Constitution.

(11) 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 1.0 percent from the 1992-93 school year to the 1993-94 school year, and 1.0 percent from the 1993-94 school year to the 1994-95 school year.

(12) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2) (b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2) (a) through (h) of this section shall be reduced in increments of twenty percent per year.

**Sec. 502.** 1994 sp.s. c 6 s 503 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE INSURANCE BENEFIT ADJUSTMENTS**  
General Fund Appropriation . . . . . \$ ~~(3,539,000)~~  
3,491,000

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 \$317.79 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b) of this act.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff for the 1994-95 school year, effective October 1, 1994, to a rate of \$322.90 as distributed pursuant to this section. The rates specified in this section are subject to revision each year by the legislature.

(a) Effective October 1, 1994, for the 1994-95 school year, an increase of \$5.11 in insurance benefit allocations per month is provided for state-funded staff units in the following programs: General apportionment under section 502(5) of this act; handicapped program under section 507 of this act; educational service districts under section 509 of this act; and institutional education under section 512 of this act.

(b) The increases in insurance benefit allocations for the following categorical programs shall be calculated by increasing the annual state funding

rates by the amounts specified in this subsection. Effective October 1, 1994, the maximum rate adjustments provided on an annual basis under this section for the 1994-95 school year are:

(i) For pupil transportation, an increase of (~~(\$ .05)~~) \$ .043 per weighted pupil-mile for the 1994-95 school year;

(ii) For learning assistance, an increase of (~~(\$1.28 per pupil)~~) \$1.17 per eligible student for the 1994-95 school year;

(iii) For education of highly capable students, an increase of (~~(\$ .32)~~) \$ .30 per pupil for the 1994-95 school year;

(iv) For transitional bilingual education, an increase of (~~(\$ .83)~~) \$ .76 per pupil for the 1994-95 school year.

**Sec. 503.** 1994 sp.s. c 6 s 504 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund Appropriation . . . . . \$ ~~(344,886,000)~~  
337,975,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) A maximum of \$1,072,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall:

(a) Ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district;

(b) Prepare a catalog of hazardous walking conditions submitted for state funding by each school district by category such as: Type of hazard; number of years the hazard has been submitted for reimbursement (to the extent known); potential for mitigation; entity that would be responsible for mitigation; and status of mitigation effort, if any;

(c) Regarding small schools receiving bonus units under section 502 of this act, for comparison purposes, prepare an analysis of travel times for students to contiguous school districts. The analysis shall be submitted to the office of financial management and the fiscal committees of the legislature by December 1, 1994; and

(d) Prepare an analysis of the small fleet rate contained in the state transportation allocation formula. The analysis shall be submitted to the office of financial management and the fiscal committees of the legislature by December 1, 1994.

The superintendent of public instruction shall, to the extent possible, consolidate the functions of regional transportation coordinators and regional traffic safety education coordinators in order to increase efficiency in the delivery of services state-wide.

(3) For eligible school districts, the small-fleet maintenance factor shall be funded at a rate of \$1.74 in the 1993-94 school year and \$1.79 in the 1994-95 school year per weighted pupil-mile.

(4) \$180,000 is provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons. The superintendent shall provide a report to the appropriate policy and fiscal committees of the legislature concerning the use of these moneys by November 1, 1993.

(5) The superintendent of public instruction shall evaluate current and alternative methods of purchasing school buses and propose the most efficient and effective method for purchasing school buses. The superintendent shall submit a report to the house appropriations committee and the senate ways and means committee by December 15, 1993. Any future proposals for purchasing school buses for schools in the state of Washington shall incorporate the most cost effective method found as a result of this evaluation.

**Sec. 504.** 1994 sp.s. c 6 s 505 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR  
 HANDICAPPED EDUCATION PROGRAMS**

General Fund—State Appropriation . . . . .	\$	<del>((870,001,000))</del>
		<u>878,103,000</u>
General Fund—Federal Appropriation . . . . .	\$	98,684,000
TOTAL APPROPRIATION . . . . .	\$	<del>((968,685,000))</del>
		<u>976,787,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1993-94 and 1994-95 school years in accordance with districts' handicapped enrollments and the allocation model established in LEAP Document 13 as developed on January 31, 1994, at 15:30 hours, and in accordance with Substitute Senate Bill No. 5727 (Title XIX funding), if enacted.

(3) A maximum of \$678,000 may be expended from the general fund—state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide handicapped students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(5) The superintendent of public instruction shall distribute salary and fringe benefit allocations for state supported staff units in the handicapped education program in the same manner as is provided for basic education program staff.

**Sec. 505.** 1994 sp.s. c 6 s 507 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund—State Appropriation . . . . .	\$	((26,318,000))
		<u>27,639,000</u>
General Fund—Federal Appropriation . . . . .	\$	8,548,000
TOTAL APPROPRIATION . . . . .	\$	((24,866,000))
		<u>36,187,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The general fund—state appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.
- (2) 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.
- (3) Average staffing ratios for each category of institution shall not exceed the rates specified in the legislative budget notes.

**Sec. 506.** 1994 sp.s. c 6 s 508 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund Appropriation . . . . .	\$	((8,939,000))
		<u>8,889,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.
- (2) Allocations for school district programs for highly capable students shall be distributed for up to one and one-half percent of each district's full time equivalent basic education act enrollment.
- (3) \$435,000 of the appropriation is for the Centrum program at Fort Worden state park.

**Sec. 507.** 1994 sp.s. c 6 s 509 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund Appropriation . . . . .	\$	((47,057,000))
		<u>46,450,000</u>

The appropriation in this section is subject to the following conditions and limitations:



(1) The appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.

(2) The superintendent shall distribute a maximum of \$628.90 per eligible bilingual student in the 1993-94 and the 1994-95 school years.

**Sec. 508.** 1994 sp.s. c 6 s 510 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund Appropriation . . . . . \$ ((107,913,000))  
107,377,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.

(2) For making the calculation of the percentage of students scoring in the lowest quartile as compared with national norms, beginning with the 1991-92 school year, the superintendent shall multiply each school district's 4th and 8th grade test results by 0.86.

(3) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1993-94 and 1994-95 school years at a maximum rate of \$470 per student eligible for learning assistance programs.

(4) The superintendent of public instruction shall develop a new allocation formula as required under section 520 of this act.

**Sec. 509.** 1994 sp.s. c 6 s 511 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL ENHANCEMENT FUNDS**

General Fund Appropriation . . . . . \$ ((47,587,000))  
47,311,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.

(2) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs as identified by the school district. 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 constitute levy reduction funds for purposes of RCW 84.52.0531.

(3) Allocations to school districts shall be calculated on the basis of full time enrollment at an annual rate of up to \$26.30 per student. 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 as follows:

(a) Enrollment of not more than 60 average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;

(b) Enrollment of not more than 20 average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and

(c) Enrollment of not more than 60 average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(4) Receipt by a school district of one-fourth of the district's allocation of funds under this section for the 1994-95 school year, as determined by the superintendent of public instruction, shall be conditioned on a finding by the superintendent that the district is enrolled as a medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to Substitute Senate Bill No. 5727 (Title XIX funding). If Substitute Senate Bill No. 5727 is not enacted by June 30, 1993, the limitations imposed by this subsection shall not take effect.

**Sec. 510.** 1994 sp.s. c 6 s 512 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—  
EDUCATIONAL REFORM PROGRAMS**

General Fund Appropriation . . . . . \$ ~~((76,174,000))~~  
75,861,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$39,934,000 is provided for student learning improvement grants for the 1994-95 school year to implement education reform under RCW 28A.300.138. The grants shall be allocated based on the number of full time equivalent certificated staff employed in eligible schools of a district. The allocation shall not exceed \$800 per full time equivalent certificated staff and shall be allocated in fiscal year 1995, beginning September 1, 1994.

(2) \$2,190,000 is provided solely for training of paraprofessional classroom assistants and classroom teachers to whom the assistants are assigned.

(3) \$3,900,000 is provided solely for the twenty-first century pilot programs for the remaining months of the 1992-93 school year and for the 1993-94 school year.

(4) \$~~((3,317,000))~~ 3,004,000 is provided solely for the operation of the commission on student learning under Engrossed Substitute House Bill No. 1209 (education reform). The commission on student learning shall report on a regular basis regarding proposed activities and expenditures of the commission.

(5) \$1,683,000 is provided solely for development of assessments as required in Engrossed Substitute House Bill No. 1209 (education reform).

(6) \$2,550,000 is provided for school-to-work transition projects in the common schools, including state support activities, under Engrossed Substitute

House Bill No. 1209 (education reform) and Engrossed Substitute House Bill No. 1820 (school-to-work transition).

(7) \$3,300,000 is provided for mentor teacher assistance, including state support activities, under Engrossed Substitute House Bill No. 1209 (education reform). Of this amount, \$400,000 is provided to establish one to three pilot projects pairing full-time mentor teachers with experienced teachers who are having difficulties and full-time mentor teachers with beginning teachers, as authorized under section 402 of Engrossed Substitute House Bill No. 1209.

(8) \$900,000 is provided for superintendent and principal internships, including state support activities, under Engrossed Substitute House Bill No. 1209 (education reform).

(9) \$4,500,000 is provided for improvement of technology infrastructure and educational technology support centers, including state support activities, under Engrossed Substitute House Bill No. 1209 (education reform).

(10) \$8,000,000 is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to part IX of Engrossed Substitute House Bill No. 1209 (education reform).

(11) \$5,000,000 is provided solely for the meals for kids program under Substitute Senate Bill No. 5971 (school meals) and shall be distributed as follows:

(a) \$442,000 is provided solely for start-up grants for schools not eligible for federal start-up grants and for summer food service programs.

(b) \$4,558,000 is provided solely to increase the state subsidy for free and reduced-price breakfasts.

(12) \$900,000 is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning, as specified in RCW 28A.300.130 (center for the improvement of student learning).

**PART VI  
HIGHER EDUCATION**

**Sec. 601.** 1994 sp.s. c 6 s 602 (uncodified) is amended to read as follows:  
**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund—State Appropriation . . . . .	\$	<del>((674,899,000))</del>
		<u>693,742,000</u>
General Fund—Federal Appropriation . . . . .	\$	11,403,000
Industrial Insurance Premium Refund		

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Account Appropriation . . . . .	\$	12,000
Employment and Training Trust		
Fund Appropriation . . . . .	\$	35,120,000
TOTAL APPROPRIATION . . . . .	\$	<del>((721,434,000))</del>
		<u>740,277,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,883,000 of the general fund—state appropriation is provided solely for 500 supplemental FTE enrollment slots to implement section 17, chapter 315, Laws of 1991 (timber-dependent communities).

(2) \$35,120,000 of the employment and training trust fund appropriation is provided solely for training and related support services specified in Engrossed Substitute House Bill No. 1988 (employment and training). Of this amount:

(a) \$27,630,000 shall provide enrollment opportunity for 3,500 full time equivalent students in fiscal year 1994 and 5,000 full time equivalent students in fiscal year 1995. The state board for community and technical colleges shall allocate the enrollments, with a minimum of 225 each year to Grays Harbor College;

(b) \$7,490,000 shall provide child care assistance, transportation, and financial aid for the student enrollments funded in (a) of this subsection.

If Engrossed Substitute House Bill No. 1988 is not enacted by June 30, 1993, this appropriation shall lapse.

(3) \$3,725,000 of the general fund—state appropriation is provided solely for assessment of student outcomes at community and technical colleges.

(4) \$1,412,000 of the general fund—state appropriation is provided solely to recruit and retain minorities.

(5) For purposes of RCW 28B.15.515(2), there is no upper enrollment variance limit and college districts may enroll students above the general fund—state level.

(6) For fiscal year 1994, the appropriations in this section shall not be used for salary increases including increments, but may be used for increments required to be paid under chapter 41.56 or 41.06 RCW except as restricted under section 913 of this act.

(7) For fiscal year 1995, colleges allocated funds from appropriations in this section shall not grant salary increases from any fund source, but may grant increments to classified staff and full-time faculty whose annual base salary is less than \$45,000. Faculty increments shall be effective during the first month of the academic year. Funding of increments for faculty is limited to savings available from full-time faculty turnover and a maximum of \$1,140,000 of the general fund—state appropriation. Section 915, chapter 224, Laws of 1993 sp. sess. does not apply to the increases authorized under this subsection.

(8) \$297,000 of the general fund—state appropriation is provided solely for the two-plus-two program at Olympic College.

(9) \$3,364,000 of the general fund—state appropriation is provided solely for instructional equipment for technical colleges.

(10) For fiscal year 1995, technical colleges may increase tuition and fees to conform with the percentage increase in community college operating fees authorized in chapter 18, Laws of 1993 sp. sess., notwithstanding RCW 43.135.055.

(11) \$225,000 of the general fund—state appropriation is provided solely to implement Substitute House Bill No. 2210 (creating a new community college district). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

(12) \$1,000,000 of the general fund—state appropriation is provided for instructional equipment purchases for community and technical colleges. Each college district shall match its allocation of this appropriation with an equal amount of funds from private or other noncollege sources.

(13) \$17,837,602 of the general fund—state appropriation is provided to the state board for community and technical colleges solely for communications and computing equipment and related expenditures. Of this amount:

(a) \$11,637,602 is provided for additions in interactive classrooms and teleconferencing facilities, computers, and related expenditures. Allocation of funds for classroom and teleconferencing facilities shall be based on expected enrollment increases and improvements in program productivity. Up to \$250,000 shall be used to ensure planning integration with other public higher education institutions, the higher education coordinating board, the department of information services, and the common school system. It is the intent that the use of these funds shall provide for increased student access and improved program delivery. These funds are made available provided that:

(i) Within reasonable cost measures, interactive classrooms and teleconferencing facilities shall be interoperable with other interactive public higher education, common school, and state government telecommunications systems;

(ii) Broad-based student and faculty involvement shall be included in the planning for expenditures; and

(iii) Strategies for implementation and proposed measures of performance shall be presented to the director of financial management, the senate ways and means committee, and the house appropriations committee by June 30, 1995.

(b) \$6,200,000 is provided for communication network systems and related expenditures.

(c) The state board shall provide a report to the appropriate legislative committees by December 30, 1995. The report shall provide an outline of expenditures, measurements of performance improvements, and demonstrations of the interconnectivity of the community college interactive classroom systems with those listed in (a) of this subsection.

(14) \$750,000 of the general fund—state appropriation is provided for facility improvements or equipment at community and technical colleges. The

state board for community and technical colleges shall establish criteria for allocating funds. Each allocation shall be matched by no less than an equal amount of private or other noncollege funds.

**Sec. 602.** 1994 sp.s. c 6 s 603 (uncodified) is amended to read as follows:  
**FOR THE UNIVERSITY OF WASHINGTON**

General Fund Appropriation . . . . .	\$	((504,130,000))
		<u>502,775,000</u>
Medical Aid Fund Appropriation . . . . .	\$	4,083,000
Accident Fund Appropriation . . . . .	\$	3,840,000
Oil Spill Administration Account . . . . .	\$	236,000
Death Investigations Account Appropriation . . . . .	\$	1,427,000
Health Services Account Appropriation . . . . .	\$	5,800,000
TOTAL APPROPRIATION . . . . .	\$	((519,380,000))
		<u>518,161,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,201,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus.

(2) \$7,713,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus.

(3) The University of Washington shall prepare a plan to identify and remedy the cause of disparate market gaps in compensation for professional/exempt employees and librarians. The plan to remedy the causes shall be presented to the legislative fiscal and policy committees by July 1, 1994. The plan will delineate what corrective actions the university will implement, independent of legislative action, in both the short-term and long-term.

(4) \$2,300,000 of the health services account appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5304 (health care reform) to increase the supply of primary health care providers. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(5) \$300,000 of the health services account appropriation is provided solely to expand community-based training for physician assistants. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(6) \$300,000 of the health services account appropriation is provided solely for the advanced registered nurse program. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(7) \$2,900,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to Engrossed House Bill No. 2123.

(8) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(9) \$648,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(10) The University of Washington shall maintain essential requirements level funding for the family practice residency network within the school of medicine.

(11) \$25,000 of the general fund appropriation is provided solely for the Thomas Burke Memorial Washington State Museum for meeting obligations created by the federal Native American Graves Protection and Repatriation Act of 1991, and for assistance in preparing rare Oligocene period whale fossils found on the Olympic Peninsula.

(12) The death investigation council, in consultation with the Washington state toxicology laboratory, shall prepare a plan for billing clients for services. The plan is to be implemented in 1995-97, and revenue from client billings shall be sufficient to cover the projected budget deficit for 1995-97.

(13) \$715,000 of the general fund appropriation is provided solely for equipment, software, and related expenditures to support a state-wide library network.

Sec. 603. 1994 sp.s. c 6 s 604 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund Appropriation . . . . .	\$	<del>((290,469,000))</del>
		<u>291,186,000</u>
Health Services Account Appropriation . . . . .	\$	1,400,000
TOTAL APPROPRIATION . . . . .	\$	<del>((291,869,000))</del>
		<u>292,586,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,811,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Vancouver branch campus.

(2) \$5,697,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Tri-Cities branch campus.

(3) \$6,748,000 of the general fund appropriation is provided solely to operate graduate and professional level courses and other educational services offered at the Spokane branch campus.

(4) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

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(5) \$280,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(6) \$1 of the general fund appropriation is provided solely for the implementation of section 7 of Second Engrossed Substitute House Bill No. 1309 or substantially similar legislation.

(7) \$1,400,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to Engrossed House Bill No. 2123.

(8) \$262,000 of the general fund appropriation is provided solely for the poultry diagnostic lab.

(9) \$120,000 of the general fund appropriation is provided solely for the aquaculture certification center.

(10)(a) To protect children and adults from inappropriate pesticide exposure in public schools, the cooperative extension service shall make available upon request a model integrated pest management program for use by local public school districts. The model program shall maximize reliance on natural pest controls least harmful to people and the environment.

(b) School district implementation of model integrated pest management programs shall involve parents, teachers, and staff.

(11) \$1,620,000 of the general fund appropriation is provided solely for the purchase of equipment for the veterinary teaching hospital.

(12) \$717,000 of the general fund appropriation is provided solely for equipment, software, and related expenditures to support a state-wide library network.

Sec. 604. 1994 sp.s. c 6 s 605 (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund Appropriation . . . . .	\$	<del>((72,252,000))</del>
		<u>72,870,000</u>
Health Services Account Appropriation . . . . .	\$	200,000
TOTAL APPROPRIATION . . . . .	\$	<del>((72,452,000))</del>
		<u>73,070,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to Engrossed House Bill No. 2123.

(4) \$618,000 of the general fund appropriation is provided solely for equipment, software, and related expenditures to support a state-wide library network.



**Sec. 605.** 1994 sp.s. c 6 s 606 (uncodified) is amended to read as follows:  
**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund Appropriation . . . . .	\$	((66,003,000))
		<u>66,147,000</u>
Industrial Insurance Premium Refund Account		
Appropriation . . . . .	\$	10,000
Health Services Account Appropriation . . . . .	\$	140,000
TOTAL APPROPRIATION . . . . .	\$	((66,153,000))
		<u>66,297,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (2) \$140,000 of the general fund appropriation is provided solely to recruit and retain minorities.
- (3) \$140,000 of the health services account appropriation is provided solely for health for benefits teaching and research assistants pursuant to Engrossed House Bill No. 2123.
- (4) \$690,000 of the general fund appropriation is provided solely for equipment, software, and related expenditures to support a state-wide library network.

**Sec. 606.** 1994 sp.s. c 6 s 607 (uncodified) is amended to read as follows:  
**FOR THE EVERGREEN STATE COLLEGE**

General Fund Appropriation . . . . .	\$	((36,899,000))
		<u>37,285,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (2) \$94,000 of the general fund appropriation is provided solely to recruit and retain minorities.
- (3) \$410,000 of the general fund appropriation is provided solely for the public schools partnership program.
- (4) \$976,000 of the general fund appropriation is provided solely for the Washington state institute for public policy to conduct studies requested by the legislature.
- (5) \$386,000 of the general fund appropriation is provided solely for equipment, software, and related expenditures to support a state-wide library network.

**Sec. 607.** 1994 sp.s. c 6 s 608 (uncodified) is amended to read as follows:  
**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund Appropriation . . . . .	\$	((81,088,000))
		<u>81,163,000</u>

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Health Services Account Appropriation . . . . .	\$	200,000
TOTAL APPROPRIATION . . . . .	\$	<del>((81,288,000))</del>
		<u>81,363,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provide solely to recruit and retain minorities.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to Engrossed House Bill No. 2123.

(4) \$75,000 of the general fund appropriation is provided solely for equipment, software, and related expenditures to support a state-wide library network.

**Sec. 608.** 1994 sp.s. c 6 s 613 (uncodified) is amended to read as follows:  
**FOR WASHINGTON STATE LIBRARY**

General Fund—State Appropriation . . . . .	\$	<del>((14,172,000))</del>
		<u>14,412,000</u>
General Fund—Federal Appropriation . . . . .	\$	4,796,000
General Fund—Private/Local Appropriation . . . . .	\$	46,000
TOTAL APPROPRIATION . . . . .	\$	<del>((19,014,000))</del>
		<u>19,254,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,385,516 of the general fund—state appropriation and \$54,000 from federal funds are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

(2) \$240,000 of the general fund—state appropriation is provided solely for payment of a federal audit settlement.

**Sec. 609.** 1994 sp.s. c 6 s 617 (uncodified) is amended to read as follows:  
**FOR THE STATE SCHOOL FOR THE DEAF**

General Fund—State Appropriation . . . . .	\$	<del>((12,557,000))</del>
		<u>12,670,000</u>
General Fund—Private/Local Appropriation . . . . .	\$	40,000
Industrial Insurance Premium Refund Account		
Appropriation . . . . .	\$	9,000
TOTAL APPROPRIATION . . . . .	\$	<del>((12,606,000))</del>
		<u>12,719,000</u>

**Sec. 610.** 1993 sp.s. c 22 s 816 (uncodified) is amended to read as follows:  
**FOR CENTRAL WASHINGTON UNIVERSITY**

**Asbestos and PCB abatement (94-I-003)**

**((Reappropriation)) Appropriation:**

CWU Cap Proj Acct . . . . .	\$	100,000
Prior Biennia (Expenditures) . . . . .	\$	((1,605,388))
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	<u>((1,705,388))</u>
		<u>100,000</u>

**PART VII  
SPECIAL APPROPRIATIONS**

NEW SECTION. **Sec. 701.** 1993 sp.s. c 24 s 709 (uncodified) is repealed.

**Sec. 702.** 1993 sp.s. c 24 s 711 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR—TORT DEFENSE SERVICES**

General Fund Appropriation . . . . .	\$	2,500,000
Special Fund Agency Tort Defense Services		
Revolving Fund Appropriation . . . . .	\$	((1,000,000))
		<u>1,700,000</u>
TOTAL APPROPRIATION . . . . .	\$	<u>((3,500,000))</u>
		<u>4,200,000</u>

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

NEW SECTION. **Sec. 703.** A new section is added to 1993 sp.s. c 24 (uncodified) to read as follows:

**FOR SUNDRY CLAIMS.** The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:

(a) David Sampson, claim number SCJ-92-18 . . . . .	\$	6,724.50
(b) Michael D. Williams, claim number SCJ-94-03 . . . . .	\$	3,842.00
(c) Daniel B. Brown, claim number SCJ-94-04 . . . . .	\$	5,907.68
(d) Stacy Schierman, claim number SCJ-94-07 . . . . .	\$	15,615.00
(e) Timothy S. Brown, claim number SCJ-94-10 . . . . .	\$	7,826.40
(f) Gordon Williamson, claim number SCJ-94-11 . . . . .	\$	2,626.95
(g) Thomas R. Mazza, claim number SCJ-94-12 . . . . .	\$	5,806.61
(h) Gary R. Thomas, claim number SCJ-95-01 . . . . .	\$	2,526.40

- (i) Billy L. Stewart, claim number SCJ-95-05 . . . . . \$ 3,985.75
- (j) Daniel P. Bible, claim number SCJ-95-06 . . . . . \$ 5,601.15
- (2) Payment from the state wildlife account of claims for damage to crops by wildlife, pursuant to RCW 77.12.280:
  - (a) B&B Enterprises, claim number SCG-93-06 . . . . . \$ 25,229.25
  - (b) Ray M. Beller, claim number SCG-93-09 . . . . . \$ 2,000.00
  - (c) Mickey O. Peer, claim number SCG-93-12 . . . . . \$ 17,463.00
  - (d) Mark Kayser, claim number SCG-93-13 . . . . . \$ 400.00
  - (e) James G. Manwell, claim number SCG-94-03 . . . . . \$ 2,000.00
  - (f) Robert Klingenstein, claim number SCG-94-05 . . . . . \$ 7,985.45
  - (g) Francis Fitzgerald, claim number SCG-94-07 . . . . . \$ 3,753.80
  - (h) Robert Bossen, claim number SCG-95-03 . . . . . \$ 17,000.00
- (3) Payment for claims involving the alleged negligence of emergency management volunteers, pursuant to chapter 38.52 RCW: PROVIDED, That all subsequent emergency management claims shall be paid from the self-insurance liability account pursuant to RCW 4.92.130:
  - Estate of Wanda Kyzar, claim number DCD9206-10525 . . \$ 650,000.00

**PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS**

**Sec. 801.** 1994 sp.s. c 6 s 803 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance	
premiums tax distribution . . . . .	\$ ((4,369,500))
	<u>5,465,000</u>
General Fund Appropriation for public utility	
district excise tax distribution . . . . .	\$ ((27,050,294))
	<u>27,027,000</u>
General Fund Appropriation for prosecuting	
attorneys' salaries . . . . .	\$ ((3,300,000))
	<u>3,007,000</u>
General Fund Appropriation for motor vehicle	
excise tax distribution . . . . .	\$ ((96,797,347))
	<u>95,066,000</u>
General Fund Appropriation for local mass	
transit assistance . . . . .	\$ ((297,185,157))
	<u>301,495,000</u>
General Fund Appropriation for camper and	
travel trailer excise tax distribution . . . . .	\$ ((2,817,274))
	<u>2,968,000</u>
General Fund Appropriation for boating	
safety/education and law enforcement	

distribution . . . . .	\$	((2,623,676))
		<u>1,573,000</u>
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution . . . . .	\$	((154,000))
		<u>143,000</u>
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution . . . . .	\$	((22,875,500))
		<u>22,337,000</u>
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution . . . . .	\$	((410,702,520))
		<u>414,784,000</u>
Liquor Revolving Fund Appropriation for liquor profits distribution . . . . .	\$	((44,296,710))
		<u>43,419,000</u>
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties . . . . .	\$	((139,375,055))
		<u>122,514,000</u>
Municipal Sales and Use Tax Equalization Account Appropriation . . . . .	\$	((51,035,317))
		<u>50,798,000</u>
County Sales and Use Tax Equalization Account Appropriation . . . . .	\$	((15,717,879))
		<u>12,168,000</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies . . . . .	\$	((1,400,000))
		<u>1,185,000</u>
County Criminal Justice Account Appropriation . . . . .	\$	((58,818,768))
		<u>56,624,000</u>
Municipal Criminal Justice Account Appropriation . . . . .	\$	((23,896,400))
		<u>22,583,000</u>
TOTAL APPROPRIATION . . . . .	\$	((1,202,415,394))
		<u>1,183,156,000</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**Sec. 802.** 1993 sp.s. c 24 s 804 (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 . . . . .	\$	((56,516,000))
		<u>56,291,925</u>

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General Fund Appropriation for federal flood control funds distribution . . . . .	\$	((46,000))
		<u>40,946</u>
General Fund Appropriation for federal grazing fees distribution . . . . .	\$	((52,000))
		<u>48,537</u>
General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99 . . . . .	\$	((400,000))
		<u>968,985</u>
TOTAL APPROPRIATION . . . . .	\$	((57,014,000))
		<u>57,350,393</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 803. 1994 sp.s. c 6 s 804 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

Flood Control Assistance Account: For transfer to the General Fund—State . . . . .	\$	0
State Convention and Trade Center Account: For transfer to the State Convention and Trade Center Operations Account . . . . .	\$	9,587,000
Water Quality Account: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit . . . . .	\$	21,500,000
Trust Land Purchase Account: For transfer to the General Fund . . . . .	\$	((22,300,000))
		<u>18,300,000</u>
General Government Special Revenue Fund—State Treasurer’s Service Account: For transfer to the General Fund on or before June 30, 1995, an amount up to \$8,400,000 in excess of the cash requirements of the state treasurer’s service account . . . . .	\$	8,400,000
Public Works Assistance Account: For transfer to the General Fund . . . . .	\$	35,000,000
Health Services Account: For transfer to the Public Health Services account . . . . .	\$	20,000,000
Economic Development Finance Authority Account:		

For transfer to the General Fund—Federal an amount to include but not exceed all total federal equity in the account . . . . .	\$	458,000
Oil Spill Response Account:		
For transfer to the Oil Spill Administration Account . . . . .	\$	955,000
Air Pollution Control Account:		
For transfer to the General Fund pursuant to Senate Bill No. 5918 (ride sharing incentives) . . . . .	\$	((404,000))
		<u>25,000</u>
<u>Motor Vehicle Account: For transfer to the Liability Account per the requirements of RCW 46.12.360 . . . . .</u>		
	\$	512,000
TOTAL APPROPRIATION . . . . .	\$	((418,604,000))
		<u>114,737,000</u>

NEW SECTION. Sec. 804. A new section is added to 1993 sp.s. c 24 (uncodified) to read as follows:

**STATE TREASURER—TRANSFER TO SUPPORT ENFORCEMENT NONASSISTANCE SERVICE ACCOUNT**

(1) Upon conclusion of the 1993-95 fiscal biennium, the state treasurer shall transfer an amount not to exceed \$2,330,000 to the support enforcement nonassistance service account from the state general fund, but only to the extent that the 1993-95 general fund—state reversions from the department of social and health services exceed \$10,506,000.

(2) By October 1, 1995, the division of child support of the department of social and health services shall submit a corrective action plan to the office of financial management and the legislative fiscal committees to minimize negative cash balances in the support enforcement nonassistance service account. The division is encouraged to consult the accounting division of the office of financial management in preparation of the corrective action plan.

**PART IX  
MISCELLANEOUS**

NEW SECTION. Sec. 901. 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. 902. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

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Passed the Senate April 25, 1995.  
 Passed the House May 1, 1995.  
 Approved by the Governor May 9, 1995.  
 Filed in Office of Secretary of State May 9, 1995.

**CHAPTER 2**

[Senate Bill 6074]

**FISH AND WILDLIFE COMMISSION POWERS AND DUTIES**

AN ACT Relating to the role of the state commission on fish and wildlife as recommended by the commission on fish and wildlife; amending RCW 77.04.040, 77.04.055, 77.04.080, 75.08.011, 75.08.025, 75.08.055, 75.08.058, 75.08.070, 75.08.080, 75.08.090, 75.08.110, 75.08.120, 75.08.274, 75.08.285, 75.08.295, 75.08.460, 75.40.020, 75.40.040, 75.40.060, 75.08.014, 75.08.040, 75.08.045, 75.12.010, 75.12.015, 75.20.110, 75.24.030, 75.24.100, 75.24.130, 75.25.095, 75.30.060, 75.50.010, 75.50.020, 75.50.030, 75.50.040, 75.50.050, 75.50.070, 75.50.110, 75.50.130, 75.52.050, and 77.16.135; reenacting and amending RCW 43.17.020 and 75.50.100; creating new sections; providing an effective date; and providing for submission of this act to a vote of the people.

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

NEW SECTION. **Sec. 1.** The legislature supports the recommendations of the state fish and wildlife commission with regard to the commission's

responsibilities in the merged department of fish and wildlife. It is the intent of the legislature that, beginning July 1, 1996, the commission assume regulatory authority for food fish and shellfish in addition to its existing authority for game fish and wildlife. It is also the intent of the legislature to provide to the commission the authority to review and approve department agreements, to review and approve the department's budget proposals, to adopt rules for the department, and to select commission staff and the director of the department.

The legislature finds that all fish, shellfish, and wildlife species should be managed under a single comprehensive set of goals, policies, and objectives, and that the decision-making authority should rest with the fish and wildlife commission. The commission acts in an open and deliberative process that encourages public involvement and increases public confidence in department decision-making.

**Sec. 2.** RCW 43.17.020 and 1993 sp.s. c 2 s 17, 1993 c 472 s 18, and 1993 c 280 s 19 are each reenacted and amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, and (14) the secretary of health, and (15) the director of financial institutions.

Such officers, except the secretary of transportation and the director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041. The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

**Sec. 3.** RCW 77.04.040 and 1993 sp.s. c 2 s 61 are each amended to read as follows:

Persons eligible for appointment as members of the commission shall have general knowledge of the habits and distribution of ~~((game))~~ fish and wildlife and shall not hold another state, county, or municipal elective or appointive office. In making these appointments, the governor shall seek to maintain a balance reflecting all aspects of ~~((game))~~ fish and wildlife, including representation recommended by organized groups representing sportfishers, commercial fishers, hunters, private landowners, and environmentalists. Persons eligible for appointment as fish and wildlife commissioners shall ~~((not have a monetary interest in any private business that is involved with consumptive or nonconsumptive use of game fish or wildlife))~~ comply with the provisions of chapters 42.52 and 42.17 RCW.

**Sec. 4.** RCW 77.04.055 and 1993 sp.s. c 2 s 62 are each amended to read as follows:

(1) In establishing policies to preserve, protect, and perpetuate wildlife, ~~((game))~~ fish, and wildlife and ~~((game))~~ fish habitat, the commission shall meet annually with the governor to:

(a) Review and prescribe basic goals and objectives related to those policies; and

(b) Review the performance of the department in implementing ~~((game))~~ fish and wildlife policies.

The commission shall maximize ~~((game fish))~~ fishing, hunting, and outdoor recreational opportunities compatible with healthy and diverse fish and wildlife populations.

(2) The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy game fish and wildlife.

(3) The commission shall establish provisions regulating food fish and shellfish as provided in RCW 75.08.080.

(4) The commission shall have final approval authority for tribal, interstate, international, and any other department agreements relating to fish and wildlife.

(5) The commission shall adopt rules to implement the state's fish and wildlife laws.

(6) The commission shall have final approval authority for the department's budget proposals.

(7) The commission shall select its own staff and shall appoint the director of the department. The director and commission staff shall serve at the pleasure of the commission.

**Sec. 5.** RCW 77.04.080 and 1993 sp.s. c 2 s 64 are each amended to read as follows:

Persons eligible for appointment ~~((by the governor))~~ as director shall have practical knowledge of the habits and distribution of fish and wildlife. ~~((The governor shall seek recommendations from the commission on the qualifications, skills, and experience necessary to discharge the duties of the position. When considering and selecting the director, the governor shall consult with and be advised by the commission.))~~ The director shall receive the salary fixed by the governor under RCW 43.03.040.

The director is the ex officio secretary of the commission and shall attend its meetings and keep a record of its business.

The director may appoint and employ necessary departmental personnel. The director may delegate to department personnel the duties and powers necessary for efficient operation and administration of the department. ~~((The department shall provide staff for the commission.))~~

**Sec. 6.** RCW 75.08.011 and 1994 c 255 s 2 are each amended to read as follows:

As used in this title or rules of the director, unless the context clearly requires otherwise:

(1) "Commission" means the fish and wildlife commission.

(2) "Director" means the director of fish and wildlife.

~~((2))~~ (3) "Department" means the department of fish and wildlife.

~~((3))~~ (4) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations, including corporations and partnerships.

~~((4))~~ (5) "Fisheries patrol officer" means a person appointed and commissioned by the ~~((director))~~ commission, with authority to enforce this title, rules of the director, and other statutes as prescribed by the legislature. Fisheries patrol officers are peace officers.

~~((5))~~ (6) "Ex officio fisheries patrol officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fisheries patrol officer" also includes wildlife agents, special agents of the national marine fisheries service, United States fish and wildlife special agents, state parks commissioned officers, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

~~((6))~~ (7) "To fish," "to harvest," and "to take" and their derivatives mean an effort to kill, injure, harass, or catch food fish or shellfish.

~~((7))~~ (8) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

~~((8))~~ (9) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

~~((9))~~ (10) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

~~((10))~~ (11) "Resident" means a person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state.

~~((11))~~ (12) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

~~((12))~~ (13) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichtbyes that have been classified and that shall not be fished for except as authorized by rule of the ~~((director))~~ commission. The term "food fish" includes all stages of development and the bodily parts of food fish species.

~~((13))~~ (14) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as

authorized by rule of the (~~director~~) commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

~~((14))~~ (15) "Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in Title 77 RCW, and includes:

Scientific Name	Common Name
<i>Oncorhynchus tshawytscha</i>	Chinook salmon
<i>Oncorhynchus kisutch</i>	Coho salmon
<i>Oncorhynchus keta</i>	Chum salmon
<i>Oncorhynchus gorbuscha</i>	Pink salmon
<i>Oncorhynchus nerka</i>	Sockeye salmon

~~((15))~~ (16) "Commercial" means related to or connected with buying, selling, or bartering. Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.

~~((16))~~ (17) "To process" and its derivatives mean preparing or preserving food fish or shellfish.

~~((17))~~ (18) "Personal use" means for the private use of the individual taking the food fish or shellfish and not for sale or barter.

~~((18))~~ (19) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

~~((19))~~ (20) "Open season" means those times, manners of taking, and places or waters established by rule of the (~~director~~) commission for the lawful fishing, taking, or possession of food fish or shellfish. "Open season" includes the first and last days of the established time.

~~((20))~~ (21) "Fishery" means the taking of one or more particular species of food fish or shellfish with particular gear in a particular geographical area.

~~((21))~~ (22) "Limited-entry license" means a license subject to a license limitation program established in chapter 75.30 RCW.

~~((22))~~ (23) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

**Sec. 7.** RCW 75.08.025 and 1983 1st ex.s. c 46 s 8 are each amended to read as follows:

The (~~director~~) commission may negotiate agreements with the United States department of defense to coordinate fishing in state waters over which the department of defense has assumed control.

**Sec. 8.** RCW 75.08.055 and 1993 sp.s. c 2 s 23 are each amended to read as follows:

(1) The (~~director~~) commission may enter into agreements with and receive funds from the United States for the construction, maintenance, and operation of

fish cultural stations, laboratories, and devices in the Columbia River basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions.

(2) The ~~((director))~~ commission and the department may acquire by gift, purchase, lease, easement, or condemnation the use of lands where the construction or improvement is to be carried on by the United States.

**Sec. 9.** RCW 75.08.058 and 1993 sp.s. c 2 s 99 are each amended to read as follows:

The ~~((department))~~ commission may adopt rules pertaining to harvest of fish and wildlife in the federal exclusive economic zone by vessels or individuals registered or licensed under the laws of this state.

**Sec. 10.** RCW 75.08.070 and 1989 c 130 s 1 are each amended to read as follows:

Consistent with federal law, the ~~((director's))~~ commission's authority extends to all areas and waters within the territorial boundaries of the state, to the offshore waters, and to the concurrent waters of the Columbia river.

Consistent with federal law, the ~~((director's))~~ commission's authority extends to fishing in offshore waters by residents of this state.

The ~~((director))~~ commission may adopt rules consistent with the regulations adopted by the United States department of commerce for the offshore waters. The ~~((director))~~ commission may adopt rules consistent with the recommendations or regulations of the Pacific marine fisheries commission, Columbia river compact, the Pacific salmon commission as provided in chapter 75.40 RCW, or the international Pacific halibut commission.

**Sec. 11.** RCW 75.08.080 and 1993 c 117 s 1 are each amended to read as follows:

(1) The ~~((director))~~ commission may adopt, amend, or repeal rules as follows:

(a) Specifying the times when the taking of food fish or shellfish is lawful or unlawful.

(b) Specifying the areas and waters in which the taking and possession of food fish or shellfish is lawful or unlawful.

(c) Specifying and defining the gear, appliances, or other equipment and methods that may be used to take food fish or shellfish, and specifying the times, places, and manner in which the equipment may be used or possessed.

(d) Regulating the possession, disposal, landing, and sale of food fish or shellfish within the state, whether acquired within or without the state.

(e) Regulating the prevention and suppression of diseases and pests affecting food fish or shellfish.

(f) Regulating the size, sex, species, and quantities of food fish or shellfish that may be taken, possessed, sold, or disposed of.

(g) Specifying the statistical and biological reports required from fishermen, dealers, boathouses, or processors of food fish or shellfish.

(h) Classifying species of marine and freshwater life as food fish or shellfish.

(i) Classifying the species of food fish and shellfish that may be used for purposes other than human consumption.

(j) Other rules necessary to carry out this title and the purposes and duties of the department.

(2) Subsections (1) (a), (b), (c), (d), and (f) of this section do not apply to private tideland owners and lessees and the immediate family members of the owners or lessees of state tidelands, when they take or possess oysters, clams, cockles, borers, or mussels, excluding razor clams, produced on their own private tidelands or their leased state tidelands for personal use.

"Immediate family member" for the purposes of this section means a spouse, brother, sister, grandparent, parent, child, or grandchild.

(3) Except for subsection (1)(g) of this section, this section does not apply to private sector cultured aquatic products as defined in RCW 15.85.020. Subsection (1)(g) of this section does apply to such products.

**Sec. 12.** RCW 75.08.090 and 1983 1st ex.s. c 46 s 16 are each amended to read as follows:

(1) Rules of the ~~((director))~~ commission shall be adopted by the ~~((director))~~ commission or a designee in accordance with chapter 34.05 RCW.

(2) Rules of the ~~((director))~~ commission shall be admitted as evidence in the courts of the state when accompanied by an affidavit from the ~~((director))~~ commission or a designee certifying that the rule has been lawfully adopted and the affidavit is prima facie evidence of the adoption of the rule.

(3) The ~~((director))~~ commission may designate department employees to act on the ~~((director's))~~ commission's behalf in the adoption and certification of rules.

**Sec. 13.** RCW 75.08.110 and 1983 1st ex.s. c 46 s 17 are each amended to read as follows:

Provisions of this title or rules of the ~~((director))~~ commission shall not be printed in a pamphlet unless the pamphlet is clearly marked as an unofficial version. This section does not apply to printings approved by the ~~((director))~~ commission.

**Sec. 14.** RCW 75.08.120 and 1983 1st ex.s. c 46 s 18 are each amended to read as follows:

The ~~((director))~~ commission may designate the boundaries of fishing areas by driving piling or by establishing monuments or by description of landmarks or section lines and directional headings.

**Sec. 15.** RCW 75.08.274 and 1983 1st ex.s. c 46 s 28 are each amended to read as follows:

Except by permit of the (~~director~~) commission, it is unlawful to take food fish or shellfish for propagation or scientific purposes within state waters.

**Sec. 16.** RCW 75.08.285 and 1983 1st ex.s. c 46 s 29 are each amended to read as follows:

The (~~director~~) commission may prohibit the introduction, transportation or transplanting of food fish, shellfish, organisms, material, or other equipment which in the (~~director's~~) commission's judgment may transmit any disease or pests affecting food fish or shellfish.

**Sec. 17.** RCW 75.08.295 and 1983 1st ex.s. c 46 s 30 are each amended to read as follows:

Except by permit of the (~~director~~) commission, it is unlawful to release, plant, or place food fish or shellfish in state waters.

**Sec. 18.** RCW 75.08.460 and 1990 c 91 s 2 are each amended to read as follows:

The (~~director~~) commission shall report to the governor and the appropriate legislative committees regarding its progress on the recreational fishery enhancement plan giving the following minimum information:

(1) By July 1, 1990, and by July 1st each succeeding year a report shall include:

(a) Progress on all programs within the plan that are referred to as already underway; and

(b) Specific anticipated needs for additional FTE's, additional capital funds or other needed resources, including whether or not current budgetary dollars are sufficient.

(2) By November 1, 1990, and by November 1st each succeeding year a report shall provide the many specificities omitted from the recreational fishery enhancement plan. They include but are not limited to the following:

(a) The name of the person assigned the responsibility and accountability for over-all management of the recreational fishery enhancement plan.

(b) The name of the person responsible and accountable for management of each regional program.

(c) The anticipated yearly costs related to each regional program.

(d) The specific dates relative to attainment of the recreational fishery enhancement plan goals, including a time-line program by region.

(e) Criteria used for measurement of the successful attainment of the recreational fishery enhancement plan.

**Sec. 19.** RCW 75.40.020 and 1983 1st ex.s. c 46 s 150 are each amended to read as follows:

The (~~director~~) commission may give to the state of Oregon such consent and approbation of the state of Washington as is necessary under the compact set out in RCW 75.40.010. For the purposes of RCW 75.40.010, the states of Washington and Oregon have concurrent jurisdiction in the concurrent waters of the Columbia river as defined in RCW 75.08.011.



**Sec. 20.** RCW 75.40.040 and 1983 1st ex.s. c 46 s 152 are each amended to read as follows:

~~((The director))~~ A member selected by or a designee of the fish and wildlife commission, ex officio, and two appointees of the governor representing the fishing industry shall act as the representatives of this state on the Pacific Marine Fisheries Commission. The appointees of the governor are subject to confirmation by the state senate.

**Sec. 21.** RCW 75.40.060 and 1989 c 130 s 2 are each amended to read as follows:

The ~~((director))~~ commission may adopt and enforce the provisions of the treaty between the government of the United States and the government of Canada concerning Pacific salmon, treaty document number 99-2, entered into force March 18, 1985, at Quebec City, Canada, and the regulations of the commission adopted under authority of the treaty.

**Sec. 22.** RCW 75.08.014 and 1993 sp.s. c 2 s 21 are each amended to read as follows:

The director shall supervise the administration and operation of the department and perform the duties prescribed by law and delegated by the commission. The director may appoint and employ necessary personnel. The director may delegate, in writing, to department personnel the duties and powers necessary for efficient operation and administration of the department.

Only persons having general knowledge of the fisheries and wildlife resources and of the commercial and recreational fishing industry in this state are eligible for appointment as director. The director shall not have a financial interest in the fishing industry or a directly related industry.

**Sec. 23.** RCW 75.08.040 and 1983 1st ex.s. c 46 s 9 are each amended to read as follows:

The ~~((director))~~ commission may acquire by gift, easement, purchase, lease, or condemnation lands, water rights, and rights of way, and construct and maintain necessary facilities for purposes consistent with this title.

The ~~((director))~~ commission may sell, lease, convey, or grant concessions upon real or personal property under the control of the department.

**Sec. 24.** RCW 75.08.045 and 1983 1st ex.s. c 46 s 11 are each amended to read as follows:

The ~~((director))~~ commission may accept money or real property from persons under conditions requiring the use of the property or money for the protection, rehabilitation, preservation, or conservation of the state food fish and shellfish resources, or in settlement of claims for damages to food fish and shellfish resources. The ~~((director))~~ commission shall only accept real property useful for the protection, rehabilitation, preservation, or conservation of these fisheries resources.

**Sec. 25.** RCW 75.12.010 and 1983 1st ex.s. c 46 s 46 are each amended to read as follows:

(1) Except as provided in this section, it is unlawful to fish commercially for salmon within the waters described in subsection (2) of this section.

(2) All waters east and south of a line commencing at a concrete monument on Angeles Point in Clallam county near the mouth of the Elwha River on which is inscribed "Angeles Point Monument" (latitude 48° 9' 3" north, longitude 123° 33' 01" west of Greenwich Meridian); thence running east on a line 81° 30' true across the flashlight and bell buoy off Partridge Point and thence continued to longitude 122° 40' west; thence north to the southerly shore of Sinclair Island; thence along the southerly shore of the island to the most easterly point of the island; thence 46° true to Carter Point, the most southerly point of Lummi Island; thence northwesterly along the westerly shore line of Lummi Island to where the shore line intersects line of longitude 122° 40' west; thence north to the mainland, including: The southerly portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes Harbor, Possession Sound, Admiralty Inlet, Hood Canal, Puget Sound, and their inlets, passages, waters, waterways, and tributaries.

(3) The ~~((director))~~ commission may authorize commercial fishing for sockeye salmon within the waters described in subsection (2) of this section during the period June 10 to July 25 and for other salmon from the second Monday of September through November 30, except during the hours between 4:00 p.m. of Friday and 4:00 p.m. of the following Sunday.

(4) The ~~((director))~~ commission may authorize commercial fishing for salmon with gill net gear prior to the second Monday in September within the waters of Hale Passage, Bellingham Bay, Samish Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, and Similk Bay, to wit: Those waters northerly and easterly of a line commencing at Stanwood, thence along the south shore of Skagit Bay to Rocky Point on Camano Island; thence northerly to Polnell Point on Whidbey Island.

(5) Whenever the ~~((director))~~ commission determines that a stock or run of salmon cannot be harvested in the usual manner, and that the stock or run of salmon may be in danger of being wasted and surplus to natural or artificial spawning requirements, the ~~((director))~~ commission may authorize units of gill net and purse seine gear in any number or equivalents, by time and area, to fully utilize the harvestable portions of these salmon runs for the economic well being of the citizens of this state. Gill net and purse seine gear other than emergency and test gear authorized by the director shall not be used in Lake Washington.

(6) The ~~((director))~~ commission may authorize commercial fishing for pink salmon in each odd-numbered year from August 1 through September 1 in the waters lying inside of a line commencing at the most easterly point of Dungeness Spit and thence projected to Point Partridge on Whidbey Island and a line commencing at Olele Point and thence projected easterly to Bush Point on Whidbey Island.

**Sec. 26.** RCW 75.12.015 and 1983 1st ex.s. c 46 s 48 are each amended to read as follows:

Except as provided in this section, it is unlawful to fish commercially for chinook or coho salmon in the Pacific Ocean and the Straits of Juan de Fuca.

(1) The ~~((director))~~ commission may authorize commercial fishing for coho salmon from June 16 through October 31.

(2) The ~~((director))~~ commission may authorize commercial fishing for chinook salmon from March 15 through October 31.

**Sec. 27.** RCW 75.20.110 and 1993 sp.s. c 2 s 36 are each amended to read as follows:

(1) Except for the north fork of the Lewis river and the White Salmon river, all streams and rivers tributary to the Columbia river downstream from McNary dam are established as an anadromous fish sanctuary. This sanctuary is created to preserve and develop the food fish and game fish resources in these streams and rivers and to protect them against undue industrial encroachment.

(2) Within the sanctuary area:

(a) It is unlawful to construct a dam greater than twenty-five feet high within the migration range of anadromous fish as determined by the ~~((director))~~ commission.

(b) Except by order of the ~~((director))~~ commission, it is unlawful to divert water from rivers and streams in quantities that will reduce the respective stream flow below the annual average low flow, based upon data published in United States geological survey reports.

(3) The ~~((director))~~ commission may acquire and abate a dam or other obstruction, or acquire any water right vested on a sanctuary stream or river, which is in conflict with the provisions of subsection (2) of this section.

(4) Subsection (2)(a) of this section does not apply to the sediment retention structure to be built on the North Fork Toutle river by the United States army corps of engineers.

**Sec. 28.** RCW 75.24.030 and 1983 1st ex.s. c 46 s 79 are each amended to read as follows:

Only upon recommendation of the ~~((director))~~ commission may the state oyster reserves be sold, leased, or otherwise disposed of by the department of natural resources.

**Sec. 29.** RCW 75.24.100 and 1993 c 340 s 51 are each amended to read as follows:

(1) It is unlawful to take geoduck clams for commercial purposes outside the harvest area designated in a current department of natural resources geoduck harvesting agreement issued under RCW 79.96.080. It is unlawful to commercially harvest geoduck clams from bottoms that are shallower than eighteen feet below mean lower low water (0.0. ft.), or that lie in an area bounded by the line of ordinary high tide (mean high tide) and a line two hundred yards seaward from and parallel to the line of ordinary high tide. This section does not apply

to the harvest of private sector cultured aquatic products as defined in RCW 15.85.020.

(2) Commercial geoduck harvesting shall be done with a hand-held, manually operated water jet or suction device guided and controlled from under water by a diver. Periodically, the ~~((director))~~ commission shall determine the effect of each type or unit of gear upon the geoduck population or the substrate they inhabit. The ~~((director))~~ commission may require modification of the gear or stop its use if it is being operated in a wasteful or destructive manner or if its operation may cause permanent damage to the bottom or adjacent shellfish populations.

**Sec. 30.** RCW 75.24.130 and 1983 1st ex.s. c 46 s 89 are each amended to read as follows:

The ~~((director))~~ commission may examine the clam, mussel, and oyster beds located on aquatic lands belonging to the state and request the commissioner of public lands to withdraw these lands from sale and lease for the purpose of establishing reserves or public beaches. The ~~((director))~~ commission shall conserve, protect, and develop these reserves and the oyster, shrimp, clam, and mussel beds on state lands.

**Sec. 31.** RCW 75.25.095 and 1990 c 34 s 2 are each amended to read as follows:

~~((Notwithstanding RCW 75.25.090,))~~ The ~~((director))~~ commission may adopt rules designating times and places for the purposes of family fishing days when a recreational fishing license is not required to fish for food fish or shellfish. All other applicable laws and rules shall remain in effect.

**Sec. 32.** RCW 75.30.060 and 1983 1st ex.s. c 46 s 139 are each amended to read as follows:

A person aggrieved by a decision of the department under this chapter may request administrative review under the informal procedure established by this section.

In an informal hearing before a review board, the rules of evidence do not apply. A record of the proceeding shall be kept as provided by chapter 34.05 RCW. After hearing the case the review board shall notify in writing the ~~((director))~~ commission and the initiating party whether the review board agrees or disagrees with the department's decision and the reasons for the board's findings. Upon receipt of the board's findings the ~~((director))~~ commission may order such relief as the ~~((director))~~ commission deems appropriate under the circumstances.

Nothing in this section: (1) Impairs an aggrieved person's right to proceed under chapter 34.05 RCW; or (2) imposes a liability on members of a review board for their actions under this section.

**Sec. 33.** RCW 75.50.010 and 1993 sp.s. c 2 s 45 are each amended to read as follows:

Currently, many of the salmon stocks of Washington state are critically reduced from their sustainable level. The best interests of all fishing groups and the citizens as a whole are served by a stable and productive salmon resource. Immediate action is needed to reverse the severe decline of the resource and to insure its very survival. The legislature finds a state of emergency exists and that immediate action is required to restore its fishery.

Disagreement and strife have dominated the salmon fisheries for many years. Conflicts among the various fishing interests have only served to erode the resource. It is time for the state of Washington to make a major commitment to increasing productivity of the resource and to move forward with an effective rehabilitation and enhancement program. The ~~((department))~~ commission is directed to dedicate its efforts and the efforts of the department to seek resolution to the many conflicts that involve the resource.

Success of the enhancement program can only occur if projects efficiently produce salmon or restore habitat. The expectation of the program is to optimize the efficient use of funding on projects that will increase artificially and naturally produced salmon, restore and improve habitat, or identify ways to increase the survival of salmon. The full utilization of state resources and cooperative efforts with interested groups are essential to the success of the program.

**Sec. 34.** RCW 75.50.020 and 1985 c 458 s 2 are each amended to read as follows:

(1) The ~~((director))~~ commission shall develop long-term regional policy statements regarding the salmon fishery resources before December 1, 1985. The ~~((director))~~ commission shall consider the following in formulating and updating regional policy statements:

- (a) Existing resource needs;
- (b) Potential for creation of new resources;
- (c) Successful existing programs, both within and outside the state;
- (d) Balanced utilization of natural and hatchery production;
- (e) Desires of the fishing interest;
- (f) Need for additional data or research;
- (g) Federal court orders; and
- (h) Salmon advisory council recommendations.

(2) The ~~((director))~~ commission shall review and update each policy statement at least once each year.

**Sec. 35.** RCW 75.50.030 and 1985 c 458 s 3 are each amended to read as follows:

(1) The ~~((director))~~ commission shall develop a detailed salmon enhancement plan with proposed enhancement projects. The plan and the regional policy statements shall be submitted to the secretary of the senate and chief clerk of the house of representatives for legislative distribution by June 30, 1986. The enhancement plan and regional policy statements shall be provided by June 30, 1986, to the natural resources committees of the house of representatives and the

senate. The ~~((director))~~ commission shall provide a maximum opportunity for the public to participate in the development of the salmon enhancement plan. To insure full participation by all interested parties, the ~~((director))~~ commission shall solicit and consider enhancement project proposals from Indian tribes, sports fishermen, commercial fishermen, private aquaculturists, and other interested groups or individuals for potential inclusion in the salmon enhancement plan. Joint or cooperative enhancement projects shall be considered for funding.

(2) The following criteria shall be used by the ~~((director))~~ commission in formulating the project proposals:

- (a) Compatibility with the long-term policy statement;
- (b) Benefit/cost analysis;
- (c) Needs of all fishing interests;
- (d) Compatibility with regional plans, including harvest management plans;
- (e) Likely increase in resource productivity;
- (f) Direct applicability of any research;
- (g) Salmon advisory council recommendations;
- (h) Compatibility with federal court orders;
- (i) Coordination with the salmon and steelhead advisory commission program;
- (j) Economic impact to the state;
- (k) Technical feasibility; and
- (l) Preservation of native salmon runs.

(3) The ~~((director))~~ commission shall not approve projects that serve as replacement funding for projects that exist prior to May 21, 1985, unless no other sources of funds are available.

(4) The ~~((director))~~ commission shall prioritize various projects and establish a recommended implementation time schedule.

**Sec. 36.** RCW 75.50.040 and 1985 c 458 s 4 are each amended to read as follows:

Upon approval by the legislature of funds for its implementation, the ~~((director))~~ commission shall monitor the progress of projects detailed in the salmon enhancement plan.

The ~~((director))~~ commission shall be responsible for establishing criteria which shall be used to measure the success of each project in the salmon enhancement plan.

**Sec. 37.** RCW 75.50.050 and 1987 c 505 s 72 are each amended to read as follows:

The ~~((director))~~ commission shall report to the legislature on or before October 30th of each year ~~((through 1994))~~ on the progress and performance of each project. The report shall contain an analysis of the successes and failures of the program to enable optimum development of the program. The report shall include estimates of funding levels necessary to operate the projects in future years.

The (~~director~~) commission shall submit the reports and any additional recommendations to the chairs of the committees on ways and means and the committees on natural resources of the senate and house of representatives.

**Sec. 38.** RCW 75.50.070 and 1993 sp.s. c 2 s 46 are each amended to read as follows:

The legislature finds that it is in the best interest of the salmon resource of the state to encourage the development of regional fisheries enhancement groups. The accomplishments of one existing group, the Grays Harbor fisheries enhancement task force, have been widely recognized as being exemplary. The legislature recognizes the potential benefits to the state that would occur if each region of the state had a similar group of dedicated citizens working to enhance the salmon resource.

The legislature authorizes the formation of regional fisheries enhancement groups. These groups shall be eligible for state financial support and shall be actively supported by the commission and the department. The regional groups shall be operated on a strictly nonprofit basis, and shall seek to maximize the efforts of volunteer and private donations to improve the salmon resource for all citizens of the state.

**Sec. 39.** RCW 75.50.100 and 1993 sp.s. c 17 s 11 and 1993 c 340 s 53 are each reenacted and amended to read as follows:

The dedicated regional fisheries enhancement group account is created in the custody of the state treasurer. Only the (~~director~~) commission or the (~~director's~~) commission's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

A surcharge of one dollar shall be collected on each recreational personal use food fish license sold in the state. A surcharge of one hundred dollars shall be collected on each commercial salmon fishery license, each salmon delivery license, and each salmon charter license sold in the state. The department shall study methods for collecting and making available, an annual list, including names and addresses, of all persons who obtain recreational and commercial salmon fishing licenses. This list may be used to assist formation of the regional fisheries enhancement groups and allow the broadest participation of license holders in enhancement efforts. The results of the study shall be reported to the house of representatives fisheries and wildlife committee and the senate environment and natural resources committee by October 1, 1990. All receipts shall be placed in the regional fisheries enhancement group account and shall be used exclusively for regional fisheries enhancement group projects for the purposes of RCW 75.50.110. Funds from the regional fisheries enhancement group account shall not serve as replacement funding for department operated salmon projects that exist on January 1, 1991.

All revenue from the department's sale of salmon carcasses and eggs that return to group facilities shall be deposited in the regional fisheries enhancement

group account for use by the regional fisheries enhancement group that produced the surplus. The ~~((director))~~ commission shall adopt rules to implement this section pursuant to chapter 34.05 RCW.

**Sec. 40.** RCW 75.50.110 and 1990 c 58 s 4 are each amended to read as follows:

A regional fisheries enhancement group advisory board is established to make recommendations to the ~~((director))~~ commission. The advisory board shall make recommendations regarding regional enhancement group rearing project proposals and funding of those proposals. The members shall be appointed by the ~~((director))~~ commission and consist of two commercial fishing representatives, two recreational fishing representatives, and three at-large positions. The advisory board membership shall include two members serving ex officio to be nominated, one through the Northwest Indian fisheries commission, and one through the Columbia river intertribal fish commission.

The department may use account funds to provide agency assistance to the groups. The level of account funds used by the department shall be determined by the ~~((director))~~ commission after review and recommendation by the regional fisheries enhancement group advisory board and shall not exceed twenty percent of annual contributions to the account.

**Sec. 41.** RCW 75.50.130 and 1993 sp.s. c 2 s 48 are each amended to read as follows:

The ~~((director))~~ commission shall prepare a salmon recovery plan for the Skagit river. The plan shall include strategies for employing displaced timber workers to conduct salmon restoration and other tasks identified in the plan. The plan shall incorporate the best available technology in order to achieve maximum restoration of depressed salmon stocks. The plan must encourage the restoration of natural spawning areas and natural rearing of salmon but must not preclude the development of an active hatchery program.

**Sec. 42.** RCW 75.52.050 and 1984 c 72 s 5 are each amended to read as follows:

The ~~((director of each department))~~ commission shall establish by rule:

(1) The procedure for entering a cooperative agreement and the application forms for a permit to release fish or wildlife required by RCW 75.08.295 or 77.16.150. The procedure shall indicate the information required from the volunteer group as well as the process of review by the department. The process of review shall include the means to coordinate with other agencies and Indian tribes when appropriate and to coordinate the review of any necessary hydraulic permit approval applications.

(2) The procedure for providing within forty-five days of receipt of a proposal a written response to the volunteer group indicating the date by which an acceptance or rejection of the proposal can be expected, the reason why the date was selected, and a written summary of the process of review. The response should also include any suggested modifications to the proposal which



would increase its likelihood of approval and the date by which such modified proposal could be expected to be accepted. If the proposal is rejected, the department must provide in writing the reasons for rejection. The volunteer group may request the director or the director's designee to review information provided in the response.

(3) The priority of the uses to which eggs, seed, juveniles, or brood stock are put. Use by cooperative projects shall be second in priority only to the needs of programs of the department or of other public agencies within the territorial boundaries of the state. Sales of eggs, seed, juveniles, or brood stock have a lower priority than use for cooperative projects.

(4) The procedure for notice in writing to a volunteer group of cause to revoke the agreement for the project and the procedure for revocation. Revocation shall be documented in writing to the volunteer group. Cause for revocation may include: (a) The unavailability of adequate biological or financial resources; (b) the development of unacceptable biological or resource management conflicts; or (c) a violation of agreement provisions. Notice of cause to revoke for a violation of agreement provisions may specify a reasonable period of time within which the volunteer group must comply with any violated provisions of the agreement.

(5) An appropriate method of distributing among volunteer groups fish, bird, or animal food or other supplies available for the program.

**Sec. 43.** RCW 77.16.135 and 1993 sp.s. c 2 s 74 are each amended to read as follows:

(1) The (~~director~~) commission shall revoke all licenses and privileges extended under Title 77 RCW of a person convicted of assault on a state wildlife agent or other law enforcement officer provided that:

(a) The wildlife agent or other law enforcement officer was on duty at the time of the assault; and

(b) The wildlife agent or other law enforcement officer was enforcing the provisions of Title 77 RCW.

(2) For the purposes of this section, the definition of assault includes:

(a) RCW 9A.32.030; murder in the first degree;

(b) RCW 9A.32.050; murder in the second degree;

(c) RCW 9A.32.060; manslaughter in the first degree;

(d) RCW 9A.32.070; manslaughter in the second degree;

(e) RCW 9A.36.011; assault in the first degree;

(f) RCW 9A.36.021; assault in the second degree; and

(g) RCW 9A.36.031; assault in the third degree.

(3) For the purposes of this section, a conviction includes:

(a) A determination of guilt by the court;

(b) The entering of a guilty plea to the charge or charges by the accused;

(c) A forfeiture of bail or a vacation of bail posted to the court; or

(d) The imposition of a deferred or suspended sentence by the court.

(4) No license described under Title 77 RCW shall be reissued to a person violating this section for a minimum of ten years, at which time a person may petition the director for a reinstatement of his or her license or licenses. The ten-year period shall be tolled during any time the convicted person is incarcerated in any state or local correctional or penal institution, in community supervision, or home detention for an offense under this section. Upon review by the director, and if all provisions of the court that imposed sentencing have been completed, the director may reinstate in whole or in part the licenses and privileges under Title 77 RCW.

NEW SECTION. Sec. 44. By July 1, 1996, the fish and wildlife commission shall submit to the committees on natural resources of the house of representatives and the senate a report identifying other statutory changes necessary for implementation of the commission's recommendations regarding its responsibilities in the department of fish and wildlife.

NEW SECTION. Sec. 45. Sections 2 through 43 of this act shall take effect July 1, 1996.

NEW SECTION. Sec. 46. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof.

Passed the Senate May 17, 1995.

Passed the House May 23, 1995.

Filed in Office of Secretary of State May 24, 1995.

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## CHAPTER 3

[Second Engrossed Substitute Senate Bill 5201]

### SALES AND USE TAX EXEMPTIONS AND DEFERRALS FOR MANUFACTURING MACHINERY AND EQUIPMENT, POLLUTION CONTROL EQUIPMENT, AND HIGH TECHNOLOGY RESEARCH AND DEVELOPMENT

AN ACT Relating to sales and use tax on manufacturing machinery and equipment, pollution control equipment, and high technology research and development; amending RCW 82.04.190, 82.60.040, 82.60.045, 82.60.065, 82.60.070, 82.61.010, and 82.63.010; reenacting and amending RCW 82.60.020; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.63 RCW; creating new sections; repealing RCW 82.61.020, 82.61.040, 82.63.040, and 82.63.050; providing an effective date; and declaring an emergency.

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

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

(1) The health, safety, and welfare of the people of the state of Washington are heavily dependent upon the continued encouragement, development, and expansion of opportunities for family wage employment in our state's private sector;

(2) The state's private sector must be encouraged to commit to continuous improvement of process, products, and services and to deliver high-quality, high-value products through technological innovations and high-performance work organizations;

(3) The state's opportunities for increased economic dealings with other states and nations of the world are dependent on supporting and attracting a diverse, stable, and competitive economic base of private sector employers;

(4) The state's current policy of applying its sales and use taxes to machinery, equipment, and installation labor used in manufacturing, research and development, and other activities has placed our state's private sector at a competitive disadvantage with other states and serves as a significant disincentive to the continuous improvement of products, technology, and modernization necessary for the preservation, stabilization, and expansion of employment and to ensure a stable economy; and

(5) It is vital to the continued development of economic opportunity in this state, including the development of new businesses and the expansion or modernization of existing businesses, that the state of Washington provide tax incentives to entities making a commitment to sites and operations in this state.

**NEW SECTION. Sec. 2.** A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales to a manufacturer or processor for hire of machinery and equipment used directly in a manufacturing operation, or to sales of or charges made for labor and services rendered in respect to installing the machinery and equipment, but only when the purchaser provides the seller with an exemption certificate in a form and manner prescribed by the department by rule, and the purchaser provides the department with a duplicate of the certificate or a summary of exempt sales as the department may require. The seller shall retain a copy of the certificate for the seller's files.

(2) For purposes of this section and section 3 of this act:

(a) "Machinery and equipment" means industrial fixtures, devices, and support facilities. "Machinery and equipment" includes pollution control equipment installed and used in a manufacturing operation to prevent air pollution, water pollution, or contamination that might otherwise result from the manufacturing operation.

(b) "Machinery and equipment" does not include:

- (i) Hand tools;
- (ii) Property with a useful life of less than one year;
- (iii) Repair parts required to restore machinery and equipment to normal working order;
- (iv) Replacement parts that do not increase productivity, improve efficiency, or extend the useful life of the machinery and equipment; or

(v) Building fixtures that are not integral to the manufacturing operation that are permanently affixed to and become a physical part of a building, such as

utility systems for heating, ventilation, air conditioning, communications, plumbing, or electrical.

(c) Machinery and equipment is "used directly" in a manufacturing operation if the machinery and equipment:

(i) Acts upon or interacts with an item of tangible personal property;

(ii) Conveys, transports, handles, or temporarily stores an item of tangible personal property at the manufacturing site;

(iii) Controls, guides, measures, verifies, aligns, regulates, or tests tangible personal property;

(iv) Provides physical support for or access to tangible personal property;

(v) Produces power for, or lubricates machinery and equipment;

(vi) Produces another item of tangible personal property for use in the manufacturing operation; or

(vii) Places tangible personal property in the container, package, or wrapping in which the tangible personal property is normally sold or transported.

(d) "Manufacturing operation" means the manufacturing of articles, substances, or commodities for sale as tangible personal property. The manufacturing operation begins at the point where the raw materials enter the manufacturing site and ends at the point where the finished product leaves the manufacturing site. The term also includes that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part. The term does not include research and development, the production of electricity by a light and power business as defined in RCW 82.16.010, or the preparation of food products on the premises of a person selling food products at retail.

(e) "Cogeneration" means the simultaneous generation of electrical energy and low-grade heat from the same fuel.

NEW SECTION. Sec. 3. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply in respect to the use by a manufacturer or processor for hire of machinery and equipment used directly in a manufacturing operation, but only when the user provides the department with:

(1) An exemption certificate in a form and manner prescribed by the department within sixty days of the first use of the machinery and equipment in this state; or

(2) An annual summary listing the machinery and equipment by January 31 of the year following the calendar year in which the machinery and equipment is first used in this state.

Sec. 4. RCW 82.04.190 and 1986 c 231 s 2 are each amended to read as follows:

"Consumer" means the following:

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of the person's business and

including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale or (d) purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon;

(2) Any person engaged in any business activity taxable under RCW 82.04.290 and any person who purchases, acquires, or uses any telephone service as defined in RCW 82.04.065, other than for resale in the regular course of business;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state of Washington or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right of way of such street, place, road, highway, easement, bridge, tunnel, or trestle or in or upon the site of such mass public transportation terminal or parking facility;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business, excluding only (a) municipal corporations or political subdivisions of the state in respect to labor and services rendered to their real property which is used or held for public road purposes, and (b) the United States, instrumentalities thereof, and county and city housing authorities created pursuant to chapter 35.82 RCW in respect to labor and services rendered to their real property. Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer";

(5) Any person who is an owner, lessee, or has the right of possession to personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business;

(6) Any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation; also, any person engaged in the business of clearing land and moving earth of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW. Any such person shall be a consumer within the meaning of this subsection in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person; and

(7) Any person who is a lessor of machinery and equipment, the rental of which is exempt from the tax imposed by RCW 82.08.020 under section 2 of this act, with respect to the sale of or charge made for tangible personal property consumed and for labor and services rendered in respect to repairing the machinery and equipment.

Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer."

Sec. 5. RCW 82.60.020 and 1994 sp.s. c 7 s 704 and 1994 sp.s. c 1 s 1 are each reenacted and amended to read as follows:

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

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (c) a designated community empowerment zone approved under RCW 43.63A.700 or a county containing such a community empowerment zone; (d) a town with a population of less than twelve hundred persons in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601; ~~((e))~~ (e) a county designated by the governor as an eligible area under RCW 82.60.047; or (f) a county that is contiguous to a county that qualifies as an eligible area under (a) or (e) of this subsection.

(4)(a) "Eligible investment project" means:

(i) An investment project in an eligible area as defined in subsection (3)(a), (b), (d), or (e) of this section; or

(ii) That portion of an investment project in an eligible area as defined in subsection (3)(c) or (f) of this section which ~~(+)~~ is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested in an application approved before July 1, 1994, and for each seven hundred fifty thousand dollars of investment on which a deferral is requested in an application approved after June 30, 1994 ~~(+and~~

~~(ii) Either initiates a new operation, or expands or diversifies a current operation by expanding, equipping, or renovating an existing facility with costs in excess of twenty-five percent of the true and fair value of the facility prior to improvement).~~

(b) The lessor/owner of a qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

~~((b))~~ (c) For purposes of (a) ~~((+))~~ (i) of this subsection ~~((;))~~:

(i) The department shall consider the entire investment project, including any investment in machinery and equipment that otherwise qualifies for exemption under section 2 or 3 of this act, for purposes of determining the portion of the investment project that qualifies for deferral as an eligible investment project; and

(ii) The number of new full-time qualified employment positions created by an investment project shall be deemed to be reduced by the number of full-time employment positions maintained by the recipient in any other community in this state that are displaced as a result of the investment project.

~~((e))~~ (d) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), other than that portion of a cogeneration project ~~((s that are both an integral part of a manufacturing facility and owned at least fifty percent by the manufacturer))~~ that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles.

"Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(11) "Recipient" means a person receiving a tax deferral under this chapter.

(12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

**Sec. 6.** RCW 82.60.040 and 1994 sp.s. c 1 s 3 are each amended to read as follows:

(1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project that:

(a) Is located in an eligible area (~~other than a designated neighborhood reinvestment area approved under RCW 43.63A.700~~) as defined in RCW 82.60.020(3)(a), (b), (d), or (e);

(b) Is located in (~~any county~~) an eligible area as defined in RCW 82.60.020(3)(f) if seventy-five percent of the new qualified employment positions are to be filled by residents of a contiguous county that (~~qualifies as~~) is an eligible area as defined in RCW 82.60.020(3) (a) or (e); or



(c) Is located in (~~a designated neighborhood reinvestment area approved under RCW 43.63A.700, or in a county containing such a neighborhood reinvestment area.~~) an eligible area as defined in RCW 82.60.020(3)(c) if seventy-five percent of the new qualified employment positions are to be filled by residents of ((the neighborhood reinvestment area)) a designated community empowerment zone approved under RCW 43.63A.700 located within the county in which the eligible investment project is located.

(2) The department shall keep a running total of all deferrals granted under this chapter during each fiscal biennium.

**Sec. 7.** RCW 82.60.045 and 1994 sp.s. c 1 s 4 are each amended to read as follows:

In addition to the other requirements of this chapter, a recipient of a tax deferral under RCW 82.60.040(1) (b) or (c) shall meet the following requirements:

(1) The recipient shall fill at least seventy-five percent of the new qualified employment positions with residents of the contiguous county or (~~neighborhood reinvestment area~~) community empowerment zone by December 31 of the calendar year during which the department certifies that the investment project is operationally completed, and shall maintain the required percentage during each of the seven succeeding calendar years.

(2) If the deferral is for expansion or diversification of an existing facility, the recipient shall ensure that the percentage of qualified employment positions filled by residents of the contiguous county or (~~neighborhood reinvestment area~~) community empowerment zone for periods prior to the application be maintained for seven calendar years after the year during which the department certifies that the investment project is operationally completed.

**Sec. 8.** RCW 82.60.065 and 1994 sp.s. c 1 s 6 are each amended to read as follows:

Except as provided in RCW 82.60.070:

(1) Taxes deferred under this chapter on the sale or use of labor that is directly used in the construction of an investment project for which a deferral has been granted under this chapter after June 11, 1986, and prior to July 1, 1994, need not be repaid.

(2) Taxes deferred under this chapter on an investment project for which a deferral has been granted under this chapter after June 30, 1994, need not be repaid.

(3) Taxes deferred under this chapter need not be repaid on machinery and equipment for lumber and wood products industries, and sales of or charges made for labor and services, of the type which qualifies for exemption under section 2 or 3 of this act to the extent the taxes have not been repaid before the effective date of this section.

**Sec. 9.** RCW 82.60.070 and 1994 sp.s. c 1 s 5 are each amended to read as follows:

(1) Each recipient of a deferral granted under this chapter prior to July 1, 1994, shall submit a report to the department on December 31st of each year during the repayment period until the tax deferral is repaid. Each recipient of a deferral granted under this chapter after June 30, 1994, shall submit a report to the department on December 31st of the year in which the investment project is certified by the department as having been operationally completed, and on December 31st of each of the seven succeeding calendar years. The report shall contain information, as required by the department, from which the department may determine whether the recipient is meeting the requirements of this chapter. If the recipient fails to submit a report or submits an inadequate report, the department may declare the amount of deferred taxes outstanding to be immediately assessed and payable.

(2) If, on the basis of a report under this section or other information, the department finds that an investment project is not eligible for tax deferral under this chapter for reasons other than failure to create the required number of qualified employment positions, the amount of deferred taxes outstanding for the project shall be immediately due.

(3) If, on the basis of a report under this section or other information, the department finds that an investment project for which a deferral has been granted under this chapter prior to July 1, 1994, has been operationally complete for three years and has failed to create the required number of qualified employment positions, the department shall assess interest, but not penalties, on the deferred taxes for the project. The interest shall be assessed at the rate provided for delinquent excise taxes, shall be assessed retroactively to the date of deferral, and shall accrue until the deferred taxes are repaid.

(4) If, on the basis of a report under this section or other information, the department finds that an investment project for which a deferral has been granted under this chapter after June 30, 1994, has been operationally complete for three years and has failed to create the required number of qualified employment positions, the amount of taxes not eligible for deferral shall be immediately due. The department shall assess interest at the rate provided for delinquent excise taxes, but not penalties, retroactively to the date of deferral.

(5) If, on the basis of a report under this section or other information, the department finds that an investment project qualifying for deferral under RCW 82.60.040(1) (b) or (c) has failed to comply with any requirement of RCW 82.60.045 for any calendar year for which reports are required under subsection (1) of this section, twelve and one-half percent of the amount of deferred taxes shall be immediately due. The department shall assess interest at the rate provided for delinquent excise taxes, but not penalties, retroactively to the date of deferral.

(6) Notwithstanding any other subsection of this section, deferred taxes need not be repaid on machinery and equipment for lumber and wood products industries, and sales of or charges made for labor and services, of the type which

qualifies for exemption under section 2 or 3 of this act to the extent the taxes have not been repaid before the effective date of this section.

(7) Notwithstanding any other subsection of this section, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under section 2 of this act; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under section 3 of this act.

**Sec. 10.** RCW 82.61.010 and 1994 c 125 s 1 are each amended to read as follows:

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

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Person" has the meaning given in RCW 82.04.030.

(3) "Department" means the department of revenue.

(4) "Eligible investment project" means:

(a) Construction of new buildings and the acquisition of new related machinery and equipment when the buildings, machinery, and equipment are to be used for either manufacturing or research and development activities, which construction is commenced prior to December 31, ~~((1998))~~ 1995; or

(b) Acquisition prior to December 31, ~~((1998))~~ 1995, of new machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure. The lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(c) Acquisition of all new or used machinery, equipment, or other personal property for use in the production or casting of aluminum at an aluminum smelter or at facilities related to an aluminum smelter, if the plant was in operation prior to 1975 and has ceased operations or is in imminent danger of ceasing operations for economic reasons, as determined by the department, and if the person applying for a deferral (i) has consulted with any collective bargaining unit that represented employees of the plant pursuant to a collective bargaining agreement that was in effect either immediately prior to the time the plant ceased operations or during the period when the plant was in imminent danger of ceasing operations, on the proposed operation of the plant and on the terms and conditions of employment for wage and salaried employees and (ii) has obtained a written concurrence from the bargaining unit on the decision to apply for a deferral under this chapter; or

(d) Modernization projects involving construction, acquisition, or upgrading of equipment or machinery, including services and labor, which are commenced after May 19, 1987, and are intended to increase the operating efficiency of

existing plants which are either aluminum smelters or aluminum rolling mills or of facilities related to such plants, if the plant was in operation prior to 1975, and if the person applying for a deferral (i) has consulted with any collective bargaining unit that represents employees of the plant on the proposed operation of the plant and the terms and conditions of employment for wage and salaried employees and (ii) has obtained a written concurrence from the bargaining unit on the decision to apply for a deferral under this chapter.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and includes the production or fabrication of specially made or custom-made articles.

(6) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun.

(7) "Buildings" means only those new structures used for either manufacturing or research and development activities, including plant offices and warehouses or other facilities for the storage of raw materials or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development purposes. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(8) "Machinery and equipment" means all industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery. For purposes of this chapter, new machinery and equipment means either new to the taxing jurisdiction of the state or new to the certificate holder. Used machinery and equipment may be treated as new equipment and machinery if the certificate holder either brings the machinery and equipment into Washington or makes a retail purchase of the machinery and equipment in Washington or elsewhere.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Recipient" means a person receiving a tax deferral under this chapter.

(11) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(12) "Operationally complete" means constructed or improved to the point of being functionally useable for the intended purpose.

(13) "Initiation of construction" means that date upon which on-site construction commences.

**NEW SECTION. Sec. 11.** The following acts or parts of acts are each repealed:

- (1) RCW 82.61.020 and 1987 c 497 s 2 & 1985 ex.s. c 2 s 2; and
- (2) RCW 82.61.040 and 1993 sp.s. c 25 s 408, 1988 c 41 s 2, 1986 c 116 s 10, & 1985 ex.s. c 2 s 8.

**Sec. 12.** RCW 82.63.010 and 1994 sp.s. c 5 s 3 are each amended to read as follows:

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

(1) "Advanced computing" means technologies used in the designing and developing of computing hardware and software, including innovations in designing the full spectrum of hardware from hand-held calculators to super computers, and peripheral equipment.

(2) "Advanced materials" means materials with engineered properties created through the development of specialized processing and synthesis technology, including ceramics, high value-added metals, electronic materials, composites, polymers, and biomaterials.

(3) "Applicant" means a person applying for a tax deferral under this chapter.

(4) "Biotechnology" means the application of technologies, such as recombinant DNA techniques, biochemistry, molecular and cellular biology, genetics and genetic engineering, cell fusion techniques, and new bioprocesses, using living organisms, or parts of organisms, to produce or modify products, to improve plants or animals, to develop microorganisms for specific uses, to identify targets for small molecule pharmaceutical development, or to transform biological systems into useful processes and products or to develop microorganisms for specific uses.

(5) "Department" means the department of revenue.

(6) "Electronic device technology" means technologies involving microelectronics; semiconductors; electronic equipment and instrumentation; radio frequency, microwave, and millimeter electronics; optical and optic-electrical devices; and data and digital communications and imaging devices.

(7) "Eligible investment project" means ~~((that portion of))~~ an investment project which either initiates a new operation, or expands or diversifies a current operation by expanding, renovating, or equipping an existing facility ~~((with costs in excess of twenty-five percent of the true and fair value of the facility prior to improvement))~~. The lessor or owner of the qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(8) "Environmental technology" means assessment and prevention of threats or damage to human health or the environment, environmental cleanup, and the development of alternative energy sources.

(9) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction or improvement of the project.

(10) "Person" has the meaning given in RCW 82.04.030.

(11) "Pilot scale manufacturing" means design, construction, and testing of preproduction prototypes and models in the fields of biotechnology, advanced computing, electronic device technology, advanced materials, and environmental technology other than for commercial sale. As used in this subsection, "commercial sale" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(12) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for pilot scale manufacturing or qualified research and development, including plant offices and other facilities that are an essential or an integral part of a structure used for pilot scale manufacturing or qualified research and development. If a building is used partly for pilot scale manufacturing or qualified research and development, and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(13) "Qualified machinery and equipment" means fixtures, equipment, and support facilities that are an integral and necessary part of a pilot scale manufacturing or qualified research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment, instrumentation, and other devices used in a process of experimentation to develop a new or improved pilot model, plant process, product, formula, invention, or similar property; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; vats, tanks, and fermenters; operating structures; and all other equipment used to control, monitor, or operate the machinery. For purposes of this chapter, qualified machinery and equipment must be either new to the taxing jurisdiction of the state or new to the certificate holder, except that used machinery and equipment may be treated as qualified machinery and equipment if the certificate holder either brings the machinery and equipment into Washington or makes a retail purchase of the machinery and equipment in Washington or elsewhere.

(14) "Qualified research and development" means research and development performed within this state in the fields of advanced computing, advanced materials, biotechnology, electronic device technology, and environmental technology.

(15) "Recipient" means a person receiving a tax deferral under this chapter.

(16) "Research and development" means activities performed to discover technological information, and technical and nonroutine activities concerned with translating technological information into new or improved products, processes, techniques, formulas, inventions, or software. The term includes exploration of

a new use for an existing drug, device, or biological product if the new use requires separate licensing by the federal food and drug administration under chapter 21, C.F.R., as amended. The term does not include adaptation or duplication of existing products where the products are not substantially improved by application of the technology, nor does the term include surveys and studies, social science and humanities research, market research or testing, quality control, sale promotion and service, computer software developed for internal use, and research in areas such as improved style, taste, and seasonal design.

NEW SECTION. Sec. 13. A new section is added to chapter 82.63 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, taxes deferred under this chapter need not be repaid.

(2) If, on the basis of a report under RCW 82.63.020 or other information, the department finds that an investment project is used for purposes other than qualified research and development or pilot scale manufacturing at any time during the calendar year in which the investment project is certified by the department as having been operationally completed, or at any time during any of the seven succeeding calendar years, a portion of deferred taxes shall be immediately due according to the following schedule:

Year in which use occurs	% of deferred taxes due
1	100%
2	87.5%
3	75%
4	62.5%
5	50%
6	37.5%
7	25%
8	12.5%

The department shall assess interest at the rate provided for delinquent taxes, but not penalties, retroactively to the date of deferral.

(3) Notwithstanding subsection (2) of this section, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under section 2 of this act; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under section 3 of this act.

NEW SECTION. Sec. 14. The following acts or parts of acts are each repealed:

- (1) RCW 82.63.040 and 1994 sp.s. c 5 s 6; and
- (2) RCW 82.63.050 and 1994 sp.s. c 5 s 7.

**NEW SECTION. Sec. 15.** The legislative fiscal committees shall report to the legislature by December 1, 1999, on the economic impacts of the manufacturers' tax exemption. This report shall analyze employment and other relevant economic data from before and after the enactment of the tax exemptions authorized under this act and shall measure the effect on the creation or retention of family wage jobs and diversification of the state's economy. Analytic techniques may include, but not be limited to, comparisons of Washington to other states that did not enact business tax changes, comparisons across Washington counties based on usage of the tax exemptions, and comparisons across similar firms based on their use of the tax exemptions. In performing the analysis, the legislative fiscal committees shall consult with business and labor interests. The department of revenue, the employment security department, and other agencies shall provide to the legislative fiscal committees such data as the legislative fiscal committees may request in performing the analysis required under this section.

**NEW SECTION. Sec. 16.** 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, 1995.

Passed the Senate May 22, 1995.

Passed the House May 23, 1995.

Approved by the Governor June 8, 1995.

Filed in Office of Secretary of State June 8, 1995.

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## CHAPTER 4

[Engrossed Substitute House Bill 1093]

### STREAMLINING PURCHASING PROVISIONS FOR STATE FERRIES

AN ACT Relating to streamlining purchasing provisions for state agencies including Washington state ferries; amending RCW 47.56.030 and 47.60.140; repealing RCW 47.60.651, 47.60.653, 47.60.655, 47.60.657, 47.60.659, and 47.60.661; and declaring an emergency.

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

**Sec. 1.** RCW 47.56.030 and 1977 ex.s. c 151 s 66 are each amended to read as follows:

The department of transportation shall have full charge of the construction of all toll bridges and other toll facilities including the Washington state ferries, and the operation and maintenance thereof. The transportation commission shall determine and establish the tolls and charges thereon, and shall perform all duties and exercise all powers relating to the financing, refinancing, and fiscal management of all toll bridges and other toll facilities including the Washington state ferries, and bonded indebtedness in the manner provided by law. The department shall have full charge of design of all toll facilities. The department shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall



prosecute such work to completion as rapidly as practicable. The department is authorized to negotiate contracts for any amount without bid in order to make repairs to ferries or ferry terminal facilities or removal of such facilities whenever continued use of ferries or ferry terminal facilities constitutes a real or immediate danger to the traveling public or precludes prudent use of such ferries or facilities.

The department shall proceed with the procurement of materials, supplies, services, and equipment needed for the support, maintenance, and use of a ferry, ferry terminal, or other facility operated by Washington state ferries, in accordance with chapter 43.19 RCW except as follows:

(1) When the secretary of the department of transportation determines in writing that the use of invitation for bid is either not practicable or not advantageous to the state and it may be necessary to make competitive evaluations, including technical or performance evaluations among acceptable proposals to complete the contract award, a contract may be entered into by use of a competitive sealed proposals method, and a formal request for proposals solicitation. Such formal request for proposals solicitation shall include a functional description of the needs and requirements of the state and the significant factors.

(2) When purchases are made through a formal request for proposals solicitation the contract shall be awarded to the responsible proposer whose competitive sealed proposal is determined in writing to be the most advantageous to the state taking into consideration price and other evaluation factors set forth in the request for proposals. No significant factors may be used in evaluating a proposal that are not specified in the request for proposals. Factors that may be considered in evaluating proposals include but are not limited to: Price maintainability; reliability; commonality; performance levels; life cycle cost if applicable under this section; cost of transportation or delivery; delivery schedule offered; installation cost; cost of spare parts; availability of parts and service offered; and the following:

(a) The ability, capacity, and skill of the proposer to perform the contract or provide the service required;

(b) The character, integrity, reputation, judgment, experience, and efficiency of the proposer;

(c) Whether the proposer can perform the contract within the time specified;

(d) The quality of performance of previous contracts or services;

(e) The previous and existing compliance by the proposer with laws relating to the contract or services;

(f) Objective, measurable criteria defined in the request for proposal. These criteria may include but are not limited to items such as discounts, delivery costs, maintenance services costs, installation costs, and transportation costs; and

(g) Such other information as may be secured having a bearing on the decision to award the contract.

When purchases are made through a request for proposal process, proposals received shall be evaluated based on the evaluation factors set forth in the request for proposal. When a life cycle cost analysis is used, the life cycle cost of a proposal shall be given at least the same relative importance as the initial price element specified in the request of proposal documents. The department may reject any and all proposals received. If the proposals are not rejected, the award shall be made to the proposer whose proposal is most advantageous to the department, considering price and the other evaluation factors set forth in the request for proposal.

(3) The legislative transportation committee shall review the secretary's use of the request for proposals solicitation for Washington state ferries projects to determine if the process established under this act is appropriate. The results of the review, including recommendations for modification of the request for proposal process, shall be reported to the house of representatives and senate transportation committees by January 1, 1997.

Sec. 2. RCW 47.60.140 and 1987 c 69 s 1 are each amended to read as follows:

(1) The department is empowered to operate such ferry system, including all operations, whether intrastate or international, upon any route or routes, and toll bridges as a revenue-producing and self-liquidating undertaking. The department has full charge of the construction, rehabilitation, rebuilding, enlarging, improving, operation, and maintenance of the ferry system, including toll bridges, approaches, and roadways incidental thereto that may be authorized by the department, including the collection of tolls and other charges for the services and facilities of the undertaking. The department has the exclusive right to enter into leases and contracts for use and occupancy by other parties of the concessions and space located on the ferries, wharves, docks, approaches, and landings, but, except as provided in subsection (2) of this section, no such leases or contracts may be entered into for more than ~~((five years, nor without public advertisement for bids as may be prescribed by the department. However, except as provided in subsection (2) of this section, the Colman Doek facilities may be leased for a period not to exceed))~~ ten years, nor without a competitive contract process, except as otherwise provided in this section. The competitive process shall be either an invitation for bids in accordance with the process established by chapter 43.19 RCW, or a request for proposals in accordance with the process established by RCW 47.56.030.

(2) As part of a joint development agreement under which a public or private developer constructs or installs improvements on ferry system property, the department may lease all or part of such property and improvements to such developers for that period of time, not to exceed fifty-five years, or not to exceed thirty years for those areas located within harbor areas, which the department determines is necessary to allow the developer to make reasonable recovery on its initial investment. Any lease entered into as provided for in this subsection that involves state aquatic lands shall conform with the Washington state

Constitution and applicable statutory requirements as determined by the department of natural resources. That portion of the lease rate attributable to the state aquatic lands shall be distributed in the same manner as other lease revenues derived from state aquatic lands as provided in RCW 79.24.580.

**NEW SECTION. Sec. 3.** The following acts or parts of acts are each repealed:

- (1) RCW 47.60.651 and 1987 c 183 s 1;
- (2) RCW 47.60.653 and 1987 c 183 s 2;
- (3) RCW 47.60.655 and 1987 c 183 s 3;
- (4) RCW 47.60.657 and 1987 c 183 s 4;
- (5) RCW 47.60.659 and 1987 c 183 s 5; and
- (6) RCW 47.60.661 and 1987 c 183 s 6.

**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 May 17, 1995.

Passed the Senate May 23, 1995.

Approved by the Governor June 14, 1995.

Filed in Office of Secretary of State June 14, 1995.

## CHAPTER 5

[Second Substitute House Bill 1318]

### WASHINGTON SCHOLARS PROGRAM

AN ACT Relating to the Washington scholars program; amending RCW 28A.600.130, 28B.15.543, 28B.80.245, and 28B.80.246; 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.** RCW 28A.600.130 and 1990 c 33 s 500 are each amended to read as follows:

The higher education coordinating board shall establish a planning committee to develop criteria for screening and selection of the Washington scholars each year in accordance with RCW 28A.600.110(1). It is the intent that these criteria shall emphasize scholastic achievement but not exclude such criteria as leadership ability and community contribution in final selection procedures. The Washington scholars planning committee shall have members from selected state agencies and private organizations having an interest and responsibility in education, including but not limited to, the state board of education, the office of superintendent of public instruction, the council of presidents, the state board for community (~~college education~~) and technical colleges, and the Washington friends of higher education.

**Sec. 2.** RCW 28B.15.543 and 1993 sp.s. c 18 s 19 are each amended to read as follows:

(1) Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges shall waive tuition and service and activities fees for students named by the higher education coordinating board on or before June 30, 1994, as recipients of the Washington scholars award under RCW 28A.600.100 through 28A.600.150 (~~who received their awards before June 30, 1994. The governing boards may waive all or a portion of tuition and services and activities fees for those recipients of the Washington scholars award who received their awards after June 30, 1994~~). The waivers shall be used only for undergraduate studies. To qualify for the waiver, recipients shall enter the college or university within three years of high school graduation and maintain a minimum grade point average at the college or university equivalent to 3.30. Students shall be eligible (~~for waivers for~~) to receive a maximum of twelve quarters or eight semesters of waivers and may transfer among state-supported institutions of higher education during that period and continue to have the tuition and services and activities fees waived by the state-supported institution of higher education that the student attends. Should the student's cumulative grade point average fall below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards.

(2) Students named by the higher education coordinating board after June 30, 1994, as recipients of the Washington scholars award under RCW 28A.600.100 through 28A.600.150 shall be eligible to receive a grant for undergraduate coursework as authorized under RCW 28B.80.245.

**Sec. 3.** RCW 28B.80.245 and 1990 c 33 s 560 are each amended to read as follows:

(1) Recipients of the Washington scholars award under RCW 28A.600.100 through 28A.600.150 (~~choosing~~) who choose to attend an independent college or university in this state, as defined in subsection (4) of this section, and recipients of the award named after June 30, 1994, who choose to attend a public college or university in the state may receive grants under this section if moneys are available. The higher education coordinating board shall distribute grants to eligible students under this section from moneys appropriated for this purpose. The individual grants shall not exceed, on a yearly basis, the yearly, full-time, resident, undergraduate tuition and service and activities fees in effect at the state-funded research universities. Grants to recipients attending an independent institution shall be contingent upon the (~~private~~) institution matching on at least a dollar-for-dollar basis, either with actual money or by a waiver of fees, the amount of the grant received by the student from the state. The higher education coordinating board shall establish procedures, by rule, to disburse the awards as direct grants to the students.

(2) To qualify for the grant, recipients shall enter the (~~independent~~) in-state college or university within three years of high school graduation and maintain

a minimum grade point average at the college or university equivalent to 3.30. Students shall be eligible ~~((for grants for))~~ to receive a maximum of twelve quarters or eight semesters of grants for undergraduate study and may transfer among in-state public and independent colleges and universities during that period and continue to receive the grant as provided under RCW 28B.80.246. If the student's cumulative grade point average falls below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards.

(3) No grant shall be awarded to any student who is pursuing a degree in theology.

(4) As used in this section, "independent college or university" means a private, nonprofit educational institution, the main campus of which is permanently situated in the state, open to residents of the state, providing programs of education beyond the high school level leading at least to the baccalaureate degree, and accredited by the northwest association of schools and colleges as of June 9, 1988, and other institutions as may be developed that are approved by the higher education coordinating board as meeting equivalent standards as those institutions accredited under this section.

(5) As used in this section, "public college or university" means an institution of higher education as defined in RCW 28B.10.016.

Sec. 4. RCW 28B.80.246 and 1988 c 210 s 2 are each amended to read as follows:

Students receiving grants under RCW 28B.80.245 or waivers under RCW 28B.15.543 ~~((shall be))~~ are entitled to transfer ~~((between))~~ among in-state public and independent colleges or universities and to continue to receive award benefits, as provided in this section, in the form of a grant or waiver of tuition and services and activities fees while enrolled at such institutions during the period of eligibility. ~~((Students transferring to a public institution of higher education from an independent college or university are entitled to a tuition waiver while enrolled at such institution during the period of eligibility under RCW 28B.15.543. Students transferring to an independent college or university from a public institution of higher education are entitled to a grant under RCW 28B.80.245 while enrolled at such college or university during the period of eligibility under RCW 28B.80.245.))~~ The total grants or waivers for any one student shall not exceed twelve quarters or eight semesters of undergraduate study.

(1) Scholars named to the award on or before June 30, 1994, may transfer between in-state public institutions, or from an eligible independent college or university to an in-state public institution of higher education, and are entitled to receive the waiver of tuition and services and activities fees.

(2) Scholars named to the award on or before June 30, 1994, may transfer from an in-state public institution to an eligible independent college or university,

or between eligible independent colleges or universities, and continue to receive a grant contingent upon available funding.

(3) Scholars named to the award after June 30, 1994, may transfer among in-state public or private colleges and universities and continue to receive the grant contingent upon available funding.

(4) In addition, scholars who transfer to an eligible independent institution may receive the grant contingent upon the agreement of the school to match on at least a dollar-for-dollar basis, either with actual money or by a waiver of fees, the amount of the grant received by the student from the state.

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.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

NEW SECTION. Sec. 7. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act is null and void.

Passed the House May 23, 1995.

Passed the Senate May 23, 1995.

Approved by the Governor June 14, 1995.

Filed in Office of Secretary of State June 14, 1995.

## CHAPTER 6

[Second Engrossed Second Substitute House Bill 1566]

### IMPLEMENTATION OF HEALTH CARE AUTHORITY RESPONSIBILITIES

AN ACT Relating to implementation of health care authority responsibilities; amending RCW 41.05.011, 41.05.022, 41.05.055, 41.05.065, 47.64.270, 41.05.021, 41.04.205, 28A.400.350, 41.04.230, and 41.05.050; adding a new section to chapter 28A.400 RCW; adding a new section to Title 28B RCW; adding new sections to chapter 41.05 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to Title 43 RCW; repealing RCW 41.05.200, 41.05.210, 41.05.240, and 43.72.230; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. A new section is added to chapter 28A.400 RCW to read as follows:

(1) In a manner prescribed by the state health care authority, school districts and educational service districts shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120 the amount specified for remittance in the omnibus appropriations act.

(2) The remittance requirements specified in this section shall not apply to employees of a school district or educational service district who receive insurance benefits through contracts with the health care authority.

**Sec. 2.** RCW 41.05.011 and 1994 c 153 s 2 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 insurer as defined in chapter 48.01 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. ~~((On and after July 1, 1995, "insuring entity" means a certified health plan, as defined in RCW 43.72.010.))~~

(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: (a) ~~((By October 1, 1995, all employees of school districts and educational service districts. Between October 1, 1994, and September 30, 1995, "employee" includes employees of those school districts and educational service districts for whom the authority has undertaken the purchase of insurance benefits. The transition to insurance benefits purchasing by the authority may not disrupt existing insurance contracts between school district or educational service district employees and insurers. However, except to the extent provided in RCW 28A.400.200, any such contract that provides for health insurance benefits coverage after October 1, 1995, shall be void as of that date if the contract was entered into, renewed, or extended after July 1, 1993. Prior to October 1, 1994, "employee" includes 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; (b))~~ 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 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; ~~((e))~~ (b) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization; and (c) employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350.

(7) "Board" means the public employees' benefits board established under RCW 41.05.055.

(8) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32 or 41.40 RCW;

(c) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32 or 41.40 RCW.

(9) "Benefits contribution plan" means a premium only contribution plan, a medical flexible spending arrangement, or a cafeteria plan whereby state and public employees may agree to a contribution to benefit costs which will allow the employee to participate in benefits offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(10) "Salary" means a state employee's monthly salary or wages.

(11) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the benefits contribution plan.

(12) "Plan year" means the time period established by the authority.

Sec. 3. RCW 41.05.022 and 1994 c 153 s 3 are each amended to read as follows:

(1) The health care authority is hereby designated as the single state agent for purchasing health services.

(2) On and after January 1, 1995, at least the following state-purchased health services programs shall be merged into a single, community-rated risk pool: health benefits for groups of employees of school districts and educational service districts that voluntarily purchase health benefits as provided in RCW 41.05.011; health benefits for state employees; health benefits for eligible retired or disabled school employees not eligible for parts A and B of medicare; and health benefits for eligible state retirees not eligible for parts A and B of medicare. ~~((Beginning July 1, 1995, the basic health plan shall be included in the risk pool. The administrator may develop mechanisms to ensure that the cost~~



~~of comparable benefits packages does not vary widely across the risk pools before they are merged. At the earliest opportunity the governor shall seek necessary federal waivers and state legislation to place the medical and acute care components of the medical assistance program, the limited casualty program, and the medical care services program of the department of social and health services in this single risk pool. Long term care services that are provided under the medical assistance program shall not be placed in the single risk pool until such services have been added to the uniform benefits package. On or before January 1, 1997, the governor shall submit necessary legislation to place the purchasing of health benefits for persons incarcerated in institutions administered by the department of corrections into the single community rated risk pool effective on and after July 1, 1997.)~~

(3) At a minimum, and regardless of other legislative enactments, the state health services purchasing agent shall:

(a) Require that a public agency that provides subsidies for a substantial portion of services now covered under the basic health plan ~~((or a uniform benefits package as adopted by the Washington health services commission as provided in RCW 43.72.130,))~~ use uniform eligibility processes, insofar as may be possible, and ensure that multiple eligibility determinations are not required;

(b) Require that a health care provider or a health care facility that receives funds from a public program provide care to state residents receiving a state subsidy who may wish to receive care from them ~~((consistent with the provisions of chapter 492, Laws of 1993)), and that ((a health maintenance organization, health care service contractor, insurer, or certified health plan))~~ an insuring entity that receives funds from a public program accept enrollment from state residents receiving a state subsidy who may wish to enroll with them ~~((under the provisions of chapter 492, Laws of 1993));~~

(c) Strive to integrate purchasing for all publicly sponsored health services in order to maximize the cost control potential and promote the most efficient methods of financing and coordinating services;

~~(d) ((Annually suggest changes in state and federal law and rules to bring all publicly funded health programs in compliance with the goals and intent of chapter 492, Laws of 1993;~~

~~(e))~~ Consult regularly with the governor, the legislature, and state agency directors whose operations are affected by the implementation of this section; and

(e) Ensure the control of benefit costs under managed competition by adopting rules to prevent employers from entering into an agreement with employees or employee organizations when the agreement would result in increased utilization in public employees' benefits board plans or reduce the expected savings of managed competition.

Sec. 4. RCW 41.05.055 and 1994 c 36 s 1 are each amended to read as follows:

(1) The public employees' benefits board is created within the authority. The function of the board is to design and approve insurance benefit plans for state employees and school district employees.

(2) The board shall be composed of nine members appointed by the governor as follows:

(a) Two representatives of state employees, one of whom shall represent an employee union certified as exclusive representative of at least one bargaining unit of classified employees, and one of whom is retired, is covered by a program under the jurisdiction of the board, and represents an organized group of retired public employees;

(b) Two representatives of school district employees, one of whom shall represent an association of school employees and one of whom is retired, and represents an organized group of retired school employees;

(c) Four members with experience in health benefit management and cost containment; and

(d) The administrator.

(3) The member who represents an association of school employees and one member appointed pursuant to subsection (2)(c) of this section shall be nonvoting members until such time that there are no less than twelve thousand school district employee subscribers enrolled with the authority for health care coverage.

(4) The governor shall appoint the initial members of the board to staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms. Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. The administrator shall serve as chair of the board. Meetings of the board shall be at the call of the chair.

**Sec. 5.** RCW 41.05.065 and 1994 c 153 s 5 are each amended to read as follows:

(1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state(~~ty~~). However, liability insurance shall not be made available to dependents.

(2) The (~~public employees' benefits~~) board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;

(e) Effective coordination of benefits;

(f) Minimum standards for insuring entities; and

(g) Minimum scope and content of ~~((standard))~~ public employee benefit plans to be offered to enrollees participating in the employee health benefit plans. ~~((On and after July 1, 1995, the uniform benefits package shall constitute the minimum level of health benefits offered to employees.))~~ To maintain the comprehensive nature of employee health care benefits, employee eligibility criteria related to the number of hours worked and the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan and eligibility criteria in effect on January 1, 1993. Nothing in this subsection (2)(g) shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits.

(3) The board shall design benefits and determine the terms and conditions of employee participation and coverage, including establishment of eligibility criteria.

~~((The board shall attempt to achieve enrollment of all employees and retirees in managed health care systems by July 1994.))~~ The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems.

(5) Employees shall choose participation in one of the health care benefit plans developed by the board and may be permitted to waive coverage under terms and conditions established by the board.

(6) The board shall review plans proposed by ~~((insurance carriers))~~ insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by ~~((carriers))~~ insuring entities holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

**Sec. 6.** RCW 47.64.270 and 1993 c 492 s 224 are each amended to read as follows:

~~((Until December 31, 1996,))~~ Absent a collective bargaining agreement to the contrary, the department of transportation shall provide contributions to insurance and health care plans for ferry system employees and dependents, as determined by the state health care authority, under chapter 41.05 RCW; and the

ferry system management and employee organizations may collectively bargain for other insurance and health care plans, and employer contributions may exceed that of other state agencies as provided in RCW 41.05.050, subject to RCW 47.64.180. (~~On January 1, 1997, ferry employees shall enroll in certified health plans under the provisions of chapter 492, Laws of 1993.~~) To the extent that ferry employees by bargaining unit have absorbed the required offset of wage increases by the amount that the employer's contribution for employees' and dependents' insurance and health care plans exceeds that of other state general government employees in the 1985-87 fiscal biennium, employees shall not be required to absorb a further offset except to the extent the differential between employer contributions for those employees and all other state general government employees increases during any subsequent fiscal biennium. If such differential increases in the 1987-89 fiscal biennium or the 1985-87 offset by bargaining unit is insufficient to meet the required deduction, the amount available for compensation shall be reduced by bargaining unit by the amount of such increase or the 1985-87 shortage in the required offset. Compensation shall include all wages and employee benefits.

Sec. 7. RCW 41.05.021 and 1994 c 309 s 1 are each amended to read as follows:

(1) 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 administrator may delegate any power or duty vested in him or her by this chapter, including authority to make final decisions and enter final orders in hearings conducted under chapter 34.05 RCW. The primary duties of the authority shall be to: Administer state employees' insurance benefits and retired or disabled school employees' insurance benefits(=); administer the basic health plan pursuant to chapter 70.47 RCW; study state-purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality health care(=); and implement state initiatives, joint purchasing strategies, and techniques for efficient administration that have potential application to all state-purchased health services. The authority's duties include, but are not limited to, the following:

(a) To administer health care benefit programs for employees and retired or disabled school 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;

(b) To analyze 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:

(i) 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;

(ii) Utilization of provider arrangements that encourage cost containment, including but not limited to prepaid delivery systems, utilization review, and prospective payment methods, and that ensure access to quality care, including assuring reasonable access to local providers, especially for employees residing in rural areas;

(iii) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;

(iv) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis; and

(v) 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;

(c) To analyze areas of public and private health care interaction;

(d) To provide information and technical and administrative assistance to the board;

(e) To review and approve or deny applications from counties, municipalities, and other political subdivisions of the state to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205, setting the premium contribution for approved groups as outlined in RCW 41.05.050;

(f) To appoint a health care policy technical advisory committee as required by RCW 41.05.150;

(g) To establish billing procedures and collect funds from school districts and educational service districts under \*RCW 28A.400.400 in a way that minimizes the administrative burden on districts; and

(h) To promulgate and adopt rules consistent with this chapter as described in RCW 41.05.160.

(2) On and after ((July)) January 1, ((1995)) 1996, the public employees' benefits board ~~((shall))~~ may implement strategies to promote managed competition among employee health benefit plans ~~((in accordance with the Washington health services commission schedule of employer requirements))~~. Strategies may include but are not limited to:

(a) Standardizing the benefit package;

(b) Soliciting competitive bids for the benefit package;

(c) Limiting the state's contribution to a percent of the lowest priced qualified plan within a geographical area ~~((If the state's contribution is less than one hundred percent of the lowest priced qualified bid, employee financial contributions shall be structured on a sliding scale basis related to household income))~~;

(d) Monitoring the impact of the approach under this subsection with regards to: Efficiencies in health service delivery, cost shifts to subscribers, access to and choice of managed care plans state-wide, and quality of health services. The health care authority shall also advise on the value of administering a benchmark employer-managed plan to promote competition among managed care plans. The health care authority shall report its findings and recommendations to the legislature by January 1, 1997.

(3) The health care authority shall, no later than July 1, 1996, submit to the appropriate committees of the legislature, proposed methods whereby, through the use of a voucher-type process, state employees may enroll with any health carrier to receive employee benefits. Such methods shall include the employee option of participating in a health care savings account, as set forth in Title 48 RCW.

(4) The Washington health care policy board shall study the necessity and desirability of the health care authority continuing as a self-insuring entity and make recommendations to the appropriate committees of the legislature by December 1, 1996.

**Sec. 8.** RCW 41.04.205 and 1993 c 386 s 3 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 for employees administered under chapter 41.05 RCW if the legislative authority of any such county, municipality, or other political subdivisions of this state determines, subject to collective bargaining under applicable statutes, a transfer to an insurance or self-insurance program administered under chapter 41.05 RCW should be made. 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.

(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)) for participation; and~~

~~(b) ((Hold public hearings on the application for transfer; and~~

~~(e))) 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.

(3) Any application of this section to members of the law enforcement officers' and fire fighters' retirement system under chapter 41.26 RCW is subject to chapter 41.56 RCW.

(4) ~~((The requirements in subsection (2)(a) (i) and (ii) of this section need not be applied to))~~ School districts may voluntarily transfer, except that all eligible employees in a bargaining unit of a school district may transfer only as a unit and all nonrepresented employees in a district may transfer only as a unit.

NEW SECTION. **Sec. 9.** The following acts or parts of acts are each repealed:

- (1) RCW 41.05.200 and 1993 c 492 s 228;
- (2) RCW 41.05.210 and 1993 c 492 s 229;
- (3) RCW 41.05.240 and 1993 c 492 s 468; and
- (4) RCW 43.72.230 and 1993 c 492 s 465.

NEW SECTION. **Sec. 10.** A new section is added to Title 28B RCW to read as follows:

Employees of technical colleges who were members of the public employees' benefits trust and as a result of chapter 238, Laws of 1991, were required to enroll in public employees' benefits board-sponsored plans, must decide whether to reenroll in the trust by January 1, 1996, or the expiration of the current collective bargaining agreements, whichever is later. Employees of a bargaining unit or administrative or managerial employees otherwise not included in a bargaining unit shall be required to transfer by group. Administrative or managerial employees shall transfer in accordance with rules established by the health care authority. If employee groups elect to transfer, they are eligible to reenroll in the public employees' benefits board-sponsored plans. This one-time reenrollment option in the public employees' benefits board sponsored plans is available to be exercised in January 2001, or only every five years thereafter, until exercised.

NEW SECTION. **Sec. 11.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The state of Washington may enter into benefits contribution plans with employees of the state pursuant to the internal revenue code, 26 U.S.C. Sec. 125, for the purpose of making it possible for employees of the state to select on a "before-tax basis" certain taxable and nontaxable benefits pursuant to 26 U.S.C. Sec. 125. The purpose of the benefits contribution plan established in this chapter is to attract and retain individuals in governmental service by permitting them to enter into agreements with the state to provide for benefits pursuant to 26 U.S.C. Sec. 125 and other applicable sections of the internal revenue code.

(2) Nothing in the benefits contribution plan constitutes an employment agreement between the participant and the state, and nothing contained in the

participant's benefits contribution agreement, the plan, this section; or sections 12 through 17 of this act gives a participant any right to be retained in state employment.

**NEW SECTION.** Sec. 12. A new section is added to chapter 41.05 RCW to read as follows:

The authority shall have responsibility for the formulation and adoption of a plan, policies, and procedures designed to guide, direct, and administer the benefits contribution plan. For the plan year beginning January 1, 1996, the administrator may establish a premium only contribution plan. Expansion of the benefits contribution plan to a medical flexible spending arrangement or cafeteria plan during subsequent plan years shall be subject to approval by the director of the office of financial management.

(1) A plan document describing the benefits contribution plan shall be adopted and administered by the authority. The authority shall represent the state in all matters concerning the administration of the plan. The state, through the authority, may engage the services of a professional consultant or administrator on a contractual basis to serve as an agent to assist the authority or perform the administrative functions necessary in carrying out the purposes of this section and sections 11 and 13 through 16 of this act.

(2) The authority shall formulate and establish policies and procedures for the administration of the benefits contribution plan that are consistent with existing state law, the internal revenue code, and the regulations adopted by the internal revenue service as they may apply to the benefits offered to participants under the plan.

(3) Every action taken by the authority in administering this section and sections 11 and 13 through 16 of this act shall be presumed to be a fair and reasonable exercise of the authority vested in or the duties imposed upon it. The authority shall be presumed to have exercised reasonable care, diligence, and prudence and to have acted impartially as to all persons interested unless the contrary be proved by clear and convincing affirmative evidence.

**NEW SECTION.** Sec. 13. A new section is added to chapter 41.05 RCW to read as follows:

(1) Elected officials and all permanent employees of the state are eligible to participate in the benefits contribution plan and contribute amount(s) by agreement with the authority. The authority may adopt rules to permit participation in the plan by temporary employees of the state.

(2) Persons eligible under subsection (1) of this section may enter into benefits contribution agreements with the state.

(3)(a) In the initial year of the medical flexible spending arrangement or cafeteria plan, if authorized, an eligible person may become a participant after the adoption of the plan and before its effective date by agreeing to have a portion of his or her gross salary contributed and deposited into a health care and



other benefits account to be used for reimbursement of expenses covered by the plan.

(b) After the initial year of the medical flexible spending arrangement or cafeteria plan, if authorized, an eligible person may become a participant for a full plan year, with annual benefit selection for each new plan year made before the beginning of the plan year, as determined by the authority, or upon becoming eligible.

(c) Once an eligible person elects to participate and the amount of gross salary that he or she shall contribute and the benefit for which the funds are to be used during the plan year is determined, the agreement shall be irrevocable and may not be amended during the plan year except as provided in (d) of this subsection. Prior to making an election to participate in the benefit contribution plan, the eligible person shall be informed in writing of all the benefits and contributions that will occur as a result of such election.

(d) The authority shall provide in the benefits contribution plan that a participant may enroll, terminate, or change his or her election after the plan year has begun if there is a significant change in a participant's status, as provided by 26 U.S.C. Sec. 125 and the regulations adopted under that section and defined by the authority.

(4) The authority shall establish as part of the benefits contribution plan the procedures for and effect of withdrawal from the plan by reason of retirement, death, leave of absence, or termination of employment. To the extent possible under federal law, the authority shall protect participants from forfeiture of rights under the plan.

(5) Any contribution under the benefits contribution plan shall continue to be included as reportable compensation for the purpose of computing the state retirement and pension benefits earned by the employee pursuant to chapters 41.26, 41.32, 41.40, and 43.43 RCW.

**NEW SECTION. Sec. 14.** A new section is added to chapter 41.05 RCW to read as follows:

The authority shall keep or cause to be kept full and adequate accounts and records of the assets, obligations, transactions, and affairs of a benefits contribution plan created under section 11 of this act.

**NEW SECTION. Sec. 15.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The state may terminate the benefits contribution plan at the end of the plan year or upon notification of federal action affecting the status of the plan.

(2) The authority may amend the benefits contribution plan at any time if the amendment does not affect the rights of the participants to receive eligible reimbursement from the participants' benefits contribution accounts.

**NEW SECTION. Sec. 16.** A new section is added to chapter 41.05 RCW to read as follows:

The authority shall adopt rules necessary to implement sections 11 through 15 of this act.

**NEW SECTION. Sec. 17.** A new section is added to chapter 41.05 RCW to read as follows:

Sections 11 through 16 of this act shall be construed to effectuate the purposes of 26 U.S.C. Sec. 125 and other applicable sections of the internal revenue code as required.

**Sec. 18.** RCW 28A.400.350 and 1993 c 492 s 226 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. ~~((Except for health benefits purchased with nonstate funds as provided in RCW 28A.400.200, effective on and after October 1, 1995, health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance shall be provided only by contracts with the state health care authority.))~~

(2) Whenever funds 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 RCW 28A.400.275 and 28A.400.280.

(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. 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. The school district board of directors may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing

the premiums of such coverage as may be offered through the school district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(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. 19.** A new section is added to chapter 28B.50 RCW to read as follows:

(1) In a manner prescribed by the state health care authority, technical colleges who have employees enrolled in a benefits trust shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120 the amount specified for remittance in the omnibus appropriations act.

(2) The remittance requirements of this section do not apply to employees of a technical college who receive insurance benefits through contracts with the health care authority.

**NEW SECTION.** **Sec. 20.** A new section is added to Title 43 RCW to read as follows:

For the purpose of accurately describing professional health services purchased by the state, health-related state agencies may develop fee schedules based on billing codes and service descriptions published by the American medical association or the United States federal health care financing administration, or develop agency unique codes and service descriptions.

**Sec. 21.** RCW 41.04.230 and 1993 c 2 s 26 (Initiative Measure No. 134, approved November 3, 1992) are each amended to read as follows:

Any official of the state authorized to disburse funds in payment of salaries and wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct from the salaries or wages of the officers or employees, the amount or amounts of subscription payments, premiums, contributions, or continuation thereof, for payment of the following:

(1) Credit union deductions: PROVIDED, That twenty-five or more employees of a single state agency or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same credit union. An agency may, in its own discretion, establish a minimum participation requirement of fewer than twenty-five employees.

(2) Parking fee deductions: PROVIDED, That payment is made for parking facilities furnished by the agency or by the department of general administration.

(3) U.S. savings bond deductions: PROVIDED, That a person within the particular agency shall be appointed to act as trustee. The trustee will receive all contributions; purchase and deliver all bond certificates; and keep such records and furnish such bond or security as will render full accountability for all bond contributions.

(4) Board, lodging or uniform deductions when such board, lodging and uniforms are furnished by the state, or deductions for academic tuitions or fees or scholarship contributions payable to the employing institution.

(5) Dues and other fees deductions: PROVIDED, That the deduction is for payment of membership dues to any professional organization formed primarily for public employees or college and university professors: AND PROVIDED, FURTHER, That twenty-five or more employees of a single state agency, or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same professional organization.

(6) Labor or employee organization dues may be deducted in the event that a payroll deduction is not provided under a collective bargaining agreement under the provisions of RCW 41.06.150: PROVIDED, That twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same labor or employee organization: PROVIDED, FURTHER, That labor or employee organizations with five hundred or more members in state government may have payroll deduction for employee benefit programs.

(7) Insurance contributions to the authority for payment of premiums under contracts authorized by the state health care authority. However, enrollment or assignment by the state health care authority to participate in a health care benefit plan, as required by RCW 41.05.065(5), shall authorize a payroll deduction of premium contributions without a written consent under the terms and conditions established by the public employees benefits board.

(8) Deductions to a bank, savings bank, or savings and loan association if (a) the bank, savings bank, or savings and loan association is authorized to do business in this state; and (b) twenty-five or more employees of a single agency, or fewer, if a lesser number is established by such agency, or a total of one hundred or more state employees of several agencies have authorized a deduction for payment to the same bank, savings bank, or savings and loan association.

Deductions from salaries and wages of public officers and employees other than those enumerated in this section or by other law, may be authorized by the director of financial management for purposes clearly related to state employment or goals and objectives of the agency and for plans authorized by the state health care authority.

The authority to make deductions from the salaries and wages of public officers and employees as provided for in this section shall be in addition to such other authority as may be provided by law: PROVIDED, That the state or any department, division, or separate agency of the state shall not be liable to any

insurance carrier or contractor for the failure to make or transmit any such deduction.

**Sec. 22.** RCW 41.05.050 and 1994 c 309 s 2 are each amended to read as follows:

(1) Every department, division, or separate agency of state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the authority. Contributions, paid by the county, the municipality, or other political subdivision for their employees, shall include an amount determined by the authority to pay such administrative expenses of the authority as are necessary to administer the plans for employees of those groups. Contributions to be paid by school districts or educational service districts shall be adjusted by the authority to reflect that retired school employees are covered under RCW 41.05.250, and are not covered under RCW 41.05.080. All such contributions will be paid into the public employees' health insurance account.

(2) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall be set by the authority, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose. Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270 (~~until December 31, 1996. On and after January 1, 1997, ferry employees shall enroll with certified health plans under chapter 492, Laws of 1993~~).

(3) The authority shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

NEW SECTION. **Sec. 23.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

Passed the House May 23, 1995.

Passed the Senate May 23, 1995.

Approved by the Governor June 14, 1995.

Filed in Office of Secretary of State June 14, 1995.

## CHAPTER 7

[Second Substitute House Bill 1814]

### WASHINGTON AWARD FOR VOCATIONAL EXCELLENCE

AN ACT Relating to the Washington award for vocational excellence; amending RCW 28C.04.520, 28C.04.525, 28C.04.530, 28C.04.535, 28C.04.540, 28C.04.545, and 28B.15.545; adding a new section to chapter 28B.80 RCW; and creating a new section.

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

**Sec. 1.** RCW 28C.04.520 and 1984 c 267 s 1 are each amended to read as follows:

Every year community colleges, (~~vocational-technical institutes~~) technical colleges, and high schools graduate students who have distinguished themselves by their outstanding performance in their occupational training programs. The legislature intends to recognize and honor these students by establishing a Washington award for vocational excellence.

**Sec. 2.** RCW 28C.04.525 and 1987 c 231 s 3 are each amended to read as follows:

The Washington award for vocational excellence program is established. The purposes of this annual program are to:

(1) Maximize public awareness of the achievements, leadership ability, and community contributions of the (~~state's public vocational-technical~~) students enrolled in occupational training programs in high schools, community colleges, and technical colleges;

(2) Emphasize the dignity of work in our society;

(3) Instill respect for those who become skilled in crafts and technology;

(4) Recognize the value of vocational education and its contribution to the economy of this state;

(5) Foster business, labor, and community involvement in vocational-technical training programs and in this award program; and

(6) Recognize the outstanding achievements of up to three vocational or technical students, at least two of whom should be graduating high school students, in each legislative district. Students who have completed at least one year of a vocational-technical program in a community college or public (~~vocational-technical institute~~) technical college may also be recognized.

**Sec. 3.** RCW 28C.04.530 and 1987 c 231 s 2 are each amended to read as follows:

(1) The (~~commission for vocational education or a successor agency~~) work force training and education coordinating board shall have the responsibility for the development and administration of the Washington award for vocational excellence program. The (~~commission or successor agency~~) work force training and education coordinating board shall develop the program in consultation with other state agencies and private organizations having interest and responsibility in vocational education, including but not limited to: The state board for community and technical colleges (~~education~~), the office of the superintendent of public instruction, a voluntary professional association of vocational educators, and representatives from business, labor, and industry.

(2) The (~~commission or successor agency~~) work force training and education coordinating board shall establish a planning committee to develop the criteria for screening and selecting the students who will receive the award. This criteria shall include but not be limited to the following characteristics:

Proficiency in their chosen fields, attendance, attitude, character, leadership, and civic contributions.

**Sec. 4.** RCW 28C.04.535 and 1984 c 267 s 4 are each amended to read as follows:

The Washington award for vocational excellence shall be granted annually. The ~~((commission))~~ work force training and education coordinating board shall notify the students receiving the award, their vocational instructors, local chambers of commerce, the legislators of their respective districts, and the governor, after final selections have been made. The ~~((commission))~~ work force training and education coordinating board, in conjunction with the governor's office, shall prepare appropriate certificates to be presented to the selected students. Awards shall be presented in public ceremonies at times and places determined by the ~~((commission))~~ work force training and education coordinating board in cooperation with the office of the governor.

**Sec. 5.** RCW 28C.04.540 and 1984 c 267 s 5 are each amended to read as follows:

The ~~((commission))~~ work force training and education coordinating board may accept any and all donations, grants, bequests, and devices, conditional or otherwise, or money, property, service, or other things of value which may be received from any federal, state, or local agency, any institution, person, firm, or corporation, public and private, to be held, used, or applied for the purposes of the Washington award for vocational excellence program. The ~~((commission))~~ work force training and education coordinating board shall encourage maximum participation from business, labor, and community groups. The ~~((commission))~~ work force training and education coordinating board shall also coordinate, where feasible, the contribution activities of the various participants.

The ~~((commission))~~ work force training and education coordinating board shall not make expenditures from funds collected under this section until February 15, 1985.

**Sec. 6.** RCW 28C.04.545 and 1987 c 231 s 4 are each amended to read as follows:

(1) The respective governing boards of the public ~~((vocational-technical institutes))~~ technical colleges shall provide fee waivers for a maximum of two years for those recipients of the Washington award for vocational excellence established under RCW 28C.04.520 through 28C.04.540 who received the award before June 30, 1994. To qualify for the waiver, recipients shall enter the public ~~((vocational-technical institute))~~ technical college within three years of receiving the award. An above average rating at the vocational-technical institute in the first year shall be required to qualify for the second-year waiver.

(2) Students named by the work force training and education coordinating board after June 30, 1994, as recipients of the Washington award for vocational excellence under RCW 28C.04.520 through 28C.04.550 shall be eligible to

receive a grant for undergraduate course work as authorized under section 8 of this act.

Sec. 7. RCW 28B.15.545 and 1993 sp.s. c 18 s 20 are each amended to read as follows:

(1) Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges shall waive tuition and services and activities fees for a maximum of two years for those recipients of the Washington award for vocational excellence established under RCW 28C.04.520 through 28C.04.540 who received their awards before June 30, 1994. ~~((The governing boards may waive all or a portion of tuition and services and activities fees for those recipients of the Washington award for vocational excellence who received their awards after June 30, 1994.))~~ Each recipient shall not receive a waiver for more than six quarters or four semesters. To qualify for the waiver, recipients shall enter the college or university within three years of receiving the award. A minimum grade point average at the college or university equivalent to 3.00, or an above-average rating at a technical college, shall be required in the first year to qualify for the second-year waiver. The tuition waiver shall be granted for undergraduate studies only.

(2) Students named by the work force training and education coordinating board after June 30, 1994, as recipients of the Washington award for vocational excellence under RCW 28C.04.520 through 28C.04.550 shall be eligible to receive a grant for undergraduate course work as authorized under section 8 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 28B.80 RCW to read as follows:

(1) Recipients of the Washington award for vocational excellence under RCW 28C.04.520 through 28C.04.550, who receive the award after June 30, 1994, may receive a grant, if funds are available. The grant shall be used to attend a postsecondary institution located in the state of Washington. Recipients may attend an institution of higher education as defined in RCW 28B.10.016, or an independent college or university, or a licensed private vocational school. The higher education coordinating board shall distribute grants to eligible students under this section from moneys appropriated for this purpose. The individual grants shall not exceed, on a yearly basis, the yearly, full-time, resident, undergraduate tuition and service and activities fees in effect at the state-funded research universities. In consultation with the work force training and education coordinating board, the higher education coordinating board shall establish procedures, by rule, to disburse the awards as direct grants to the students.

(2) To qualify for the grant, recipients shall enter the postsecondary institution within three years of high school graduation and maintain a minimum grade point average at the institution equivalent to 3.00, or, at a technical college,



an above average rating. Students shall be eligible to receive a maximum of two years of grants for undergraduate study and may transfer among in-state eligible postsecondary institutions during that period and continue to receive the grant.

(3) No grant may be awarded to any student who is pursuing a degree in theology.

(4) As used in this section, "independent college or university" means a private, nonprofit educational institution, the main campus of which is permanently situated in the state, open to residents of the state, providing programs of education beyond the high school level leading at least to the baccalaureate degree, and accredited by the Northwest association of schools and colleges as of June 9, 1988, and other institutions as may be developed that are approved by the higher education coordinating board as meeting equivalent standards as those institutions accredited under this section.

(5) As used in this section, "licensed private vocational school" means a private postsecondary institution, located in the state, licensed by the work force training and education coordinating board under chapter 28C.10 RCW, and offering postsecondary education in order to prepare persons for a vocation or profession, as defined in RCW 28C.10.020(7).

**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.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act is null and void.

Passed the House May 23, 1995.

Passed the Senate May 23, 1995.

Approved by the Governor June 14, 1995.

Filed in Office of Secretary of State June 14, 1995.

## CHAPTER 8

[Second Engrossed Substitute Senate Bill 5001]

### PROPERTY TAX EXEMPTIONS FOR SENIOR CITIZENS AND PERSONS RETIRED BECAUSE OF PHYSICAL DISABILITY—REVISIONS

AN ACT Relating to the property taxation of senior citizens and persons retired because of physical disability; amending RCW 84.36.381 and 84.36.383; adding a new section to chapter 84.40 RCW; creating new sections; repealing 1994 sp.s. c 8 s 3 (uncodified); providing an effective date; and declaring an emergency.

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

**Sec. 1.** RCW 84.36.381 and 1994 sp.s. c 8 s 1 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the

year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of the time of filing: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year: PROVIDED FURTHER, That confinement of the person to a hospital or nursing home shall not disqualify the claim of exemption if:

(a) The residence is temporarily unoccupied;

(b) The residence is occupied by a spouse and/or a person financially dependent on the claimant for support; or

(c) The residence is rented for the purpose of paying nursing home or hospital costs;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must be sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the assessment year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming exemption is reduced for two or more months of the assessment year by reason of the death of the person's spouse, or when other substantial changes occur in disposable income that are likely to continue for an indefinite period of time, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person after such occurrences by twelve. If it is necessary to estimate income to comply with this subsection, the assessor

may require confirming documentation of such income prior to May 31 of the year following application;

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income of twenty-eight thousand dollars or less shall be exempt from all excess property taxes; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of eighteen thousand dollars or less but greater than fifteen thousand dollars shall be exempt from all regular property taxes on the greater of thirty thousand dollars or thirty percent of the valuation of his or her residence, but not to exceed fifty thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of fifteen thousand dollars or less shall be exempt from all regular property taxes on the greater of thirty-four thousand dollars or fifty percent of the valuation of his or her residence; and

~~(6) ((For a person who otherwise qualifies under this section and has a combined disposable income of twenty-eight thousand dollars or less, the taxable value of the residence shall not exceed the lesser of (a) the assessed value of the residence as reduced by the exemption under subsection (5) of this section, if any, or (b) the taxable value of the residence for the previous year, increased by the inflation factor for the assessment year. For counties that do not revalue property annually, the amount under (b) of this subsection shall be the previous taxable value increased by the inflation factor for each assessment year since the previous revaluation of the residence. As used in this section, "inflation factor" means the percentage change used by the federal government in adjusting social security payments for inflation at the beginning of each year. The department shall provide inflation factors to the county assessors annually))~~ For a person who otherwise qualifies under this section and has a combined disposable income of twenty-eight thousand dollars or less, the valuation of the residence shall be the true and fair value of the residence on the later of January 1, 1995 or January 1st of the year the person first qualifies under this section. If the person subsequently fails to qualify under this section only for one year because of high income, this same valuation shall be used upon requalification. If the person fails to qualify for more than one year in succession because of high income or fails to qualify for any other reason, the valuation upon requalification shall be the true and fair value on January 1st of the year in which the person requalifies. If the person transfers the exemption under this section to a different residence, the valuation of the different residence shall be the true and fair value of the different residence on January 1st of the year in which the person transfers the exemption.

In no event may the valuation under this subsection be greater than the true and fair value of the residence on January 1st of the assessment year.

This subsection does not apply to subsequent improvements to the property in the year in which the improvements are made. Subsequent improvements to

the property shall be added to the value otherwise determined under this subsection at their true and fair value in the year in which they are made.

Sec. 2. RCW 84.36.383 and 1994 sp.s. c 8 s 2 are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, except where the context clearly indicates a different meaning:

(1) The term "residence" shall mean a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre. The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080 and 84.04.090, such a residence shall be deemed real property.

(2) The term "real property" shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities: PROVIDED, That a mobile home located on land leased by the owner of the mobile home shall be subject, for tax billing, payment, and collection purposes, only to the personal property provisions of chapter 84.56 RCW and RCW 84.60.040.

(3) "Department" shall mean the state department of revenue.

(4) "Combined disposable income" means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the residence for the assessment year, less amounts paid by the person claiming the exemption or his or her spouse during the assessment year for:

(a) Drugs supplied by prescription of a medical practitioner authorized by the laws of this state or another jurisdiction to issue prescriptions; and

(b) The treatment or care of either person received in the home or in a nursing home.

(5) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(a) Capital gains, other than nonrecognized gain on the sale of a principal residence under section 1034 of the federal internal revenue code, or gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;

(b) Amounts deducted for loss;

- (c) Amounts deducted for depreciation;
  - (d) Pension and annuity receipts;
  - (e) Military pay and benefits other than attendant-care and medical-aid payments;
  - (f) Veterans benefits other than attendant-care and medical-aid payments;
  - (g) Federal social security act and railroad retirement benefits;
  - (h) Dividend receipts; and
  - (i) Interest received on state and municipal bonds.
- (6) "Cotenant" means a person who resides with the person claiming the exemption and who has an ownership interest in the residence.

**NEW SECTION.** Sec. 3. A new section is added to chapter 84.40 RCW to read as follows:

The assessor shall maintain an assessed valuation in accordance with the approved revaluation cycle for a residence owned by a person qualifying for exemption under RCW 84.36.381 in addition to the valuation required under RCW 84.36.381(6). Upon a change in the true and fair value of the residence, the assessor shall notify the person qualifying for exemption under RCW 84.36.381 of the new true and fair value and that the new true and fair value will be used to compute property taxes if the property fails to qualify for exemption under RCW 84.36.381.

**NEW SECTION.** Sec. 4. The department of revenue shall review the effect of the valuation freeze in RCW 84.36.381(6) on taxpayers who are not eligible for the freeze. The department shall develop alternative methods that could be used to prevent tax shifts as a result of the freeze, and report on those alternatives to the fiscal committees of the senate and house of representatives on or before December 31, 1995.

**NEW SECTION.** Sec. 5. 1994 sp.s. c 8 s 3 (uncodified) is repealed.

**NEW SECTION.** Sec. 6. Chapter 8, Laws of 1994 sp. sess. shall take effect July 1, 1995, and shall be effective for taxes levied in 1995 for collection in 1996 and thereafter.

**NEW SECTION.** Sec. 7. This act shall apply to taxes levied in 1995 for collection in 1996 and thereafter.

**NEW SECTION.** Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

Passed the Senate May 23, 1995.

Passed the House May 23, 1995.

Approved by the Governor June 14, 1995.

Filed in Office of Secretary of State June 14, 1995.

## CHAPTER 9

[Engrossed Substitute Senate Bill 5325]

### HIGHER EDUCATION TUITION AND FEES

AN ACT Relating to higher education fiscal matters; amending RCW 28B.15.066, 28B.15.067, 28B.15.076, 28B.15.070, 28B.15.100, 28B.15.740, 28B.50.095, and 28B.80.360; reenacting and amending RCW 28B.15.031 and 28B.15.820; adding a new section to chapter 28B.15 RCW; creating a new section; repealing RCW 28B.15.202, 28B.15.402, and 28B.15.502; and declaring an emergency.

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

**NEW SECTION.** **Sec. 1.** It is the intent of the legislature to address higher education funding through a cooperative bipartisan effort that includes the legislative and executive branches of government, parents, students, educators, and concerned citizens. This effort will begin in 1995, with the results providing the basis for discussion during the 1996 legislative session for future decisions and final legislative action in 1997.

The purpose of this act is to provide tuition increases for public institutions of higher education as a transition measure until final action is taken in 1997.

**Sec. 2.** RCW 28B.15.031 and 1993 sp.s. c 18 s 6 and 1993 c 379 s 201 are each reenacted and amended to read as follows:

The term "operating fees" as used in this chapter shall include the fees, other than building fees, charged all students registering at the state's colleges and universities but shall not include fees for short courses, self-supporting degree credit programs and courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon, or such other special fees as may be established by any college or university board of trustees or regents from time to time. All moneys received as operating fees at any institution of higher education shall be deposited in a local account containing only operating fees revenue and related interest: **PROVIDED, That ((two)) a minimum of three and one-half percent of operating fees shall be retained by the institutions, except the technical colleges, for the purposes of RCW 28B.15.820. Local operating fee accounts shall not be**

subject to appropriation by the legislature or allotment procedures under chapter 43.88 RCW.

**Sec. 3.** RCW 28B.15.066 and 1993 c 379 s 205 are each amended to read as follows:

It is the intent of the legislature that:

In making appropriations from the state's general fund to institutions of higher education, each appropriation shall conform to the following:

(1) The appropriation shall not be reduced by the amount of operating fees revenue estimated to be collected from students enrolled at the state-funded enrollment level specified in the omnibus biennial operating appropriations act ~~((and the estimated interest on operating fees revenue, minus obligations under RCW 28B.15.820 and 43.991.040 and minus the amount of waived operating fees authorized under RCW 28B.15.910));~~

(2) The appropriation shall not be reduced by the amount of operating fees revenue collected from students enrolled above the state-funded level, but within the over-enrollment limitations, specified in the omnibus biennial operating appropriations act; and

(3) The general fund state appropriation shall not be reduced by the amount of operating fees revenue collected as a result of waiving less operating fees revenue than the amounts authorized under RCW 28B.15.910.

**Sec. 4.** RCW 28B.15.067 and 1992 c 231 s 4 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)).~~

(2) Academic year tuition for full-time students at the state's institutions of higher education for the 1995-96 academic year, other than the summer term, shall be as provided in this subsection.

(a) At the University of Washington and Washington State University:

(i) For resident undergraduate students and other resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, two thousand seven hundred sixty-four dollars;

(ii) For nonresident undergraduate students and other nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, eight thousand two hundred sixty-eight dollars;

(iii) For resident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, four thousand four hundred ninety dollars;

(iv) For nonresident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, eleven thousand six hundred thirty-four dollars;

(v) For resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, seven thousand four hundred ninety-seven dollars; and

(vi) For nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, nineteen thousand four hundred thirty-one dollars.

(b) At the regional universities and The Evergreen State College:

(i) For resident undergraduate and all other resident students not in graduate study programs, two thousand forty-five dollars;

(ii) For nonresident undergraduate and all other nonresident students not in graduate study programs, seven thousand nine hundred ninety-two dollars;

(iii) For resident graduate students, three thousand four hundred forty-three dollars; and

(iv) For nonresident graduate students, eleven thousand seventy-one dollars.

(c) At the community colleges:

(i) For resident students, one thousand two hundred twelve dollars; and

(ii) For nonresident students five thousand one hundred sixty-two dollars and fifty cents.

(3) Academic year tuition for full-time students at the state's institutions of higher education beginning with the 1996-97 academic year, other than the summer term, shall be as provided in this subsection.

(a) At the University of Washington and Washington State University:

(i) For resident undergraduate students and other resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, two thousand eight hundred seventy-five dollars;

(ii) For nonresident undergraduate students and other nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, eight thousand five hundred ninety-nine dollars;

(iii) For resident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, four thousand six hundred sixty-nine dollars;

(iv) For nonresident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, twelve thousand one hundred dollars;



(v) For resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, seven thousand seven hundred ninety-seven dollars; and

(vi) For nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, twenty thousand two hundred nine dollars.

(b) At the regional universities and The Evergreen State College:

(i) For resident undergraduate and all other resident students not in graduate study programs, two thousand one hundred twenty-seven dollars;

(ii) For nonresident undergraduate and all other nonresident students not in graduate study programs, eight thousand three hundred twelve dollars;

(iii) For resident graduate students, three thousand five hundred eighty-one dollars; and

(iv) For nonresident graduate students, eleven thousand five hundred fourteen dollars.

(c) At the community colleges:

(i) For resident students, one thousand two hundred sixty-one dollars; and

(ii) For nonresident students, five thousand three hundred sixty-nine dollars and fifty cents.

(4) The tuition fees established under this chapter shall not apply to high school students enrolling in community colleges under RCW 28A.600.300 through 28A.600.395.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.15 RCW to read as follows:

(1) As used in this section, each of the following subsections is a separate tuition category:

(a) Resident undergraduate students and all other resident students not in first professional, graduate, or law programs;

(b) Nonresident undergraduate students and all other nonresident students not in graduate or law programs;

(c) Resident graduate and law students;

(d) Nonresident graduate and law students;

(e) Resident first professional students; and

(f) Nonresident students in first professional programs.

(2) Unless the context clearly requires otherwise, as used in this section "first professional programs" means programs leading to one of the following degrees: Doctor of medicine, doctor of dental surgery, or doctor of veterinary medicine.

(3) For the 1995-96 and 1996-97 academic years, the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition for each tuition category in the 1994-95 academic year, rounded up to the nearest half percent.

(4) The governing boards of each institution of higher education, except for the technical colleges, shall charge to and collect from each student a services and activities fee. A governing board may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in student tuition fees for the applicable tuition category: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(5) Tuition and services and activities fees consistent with subsection (4) of this section shall be set by the state board for community and technical colleges for community college summer school students unless the community college charges fees in accordance with RCW 28B.15.515.

(6) Subject to the limitations of RCW 28B.15.910, each governing board of a community college may charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting courses as it, in its discretion, may determine, consistent with the rules of the state board for community and technical colleges.

**Sec. 6.** RCW 28B.15.076 and 1989 c 245 s 4 are each amended to read as follows:

The higher education coordinating board shall determine and transmit amounts constituting approved undergraduate and graduate educational costs to the several boards of regents and trustees of the state institutions of higher education by November 10 of each even-numbered year except the year 1990 for which the transmittal shall be made by December 17. ~~((Tuition fees shall be based on such costs in accordance with the provisions of this chapter.))~~

**Sec. 7.** RCW 28B.15.070 and 1992 c 231 s 5 are each amended to read as follows:

(1) The higher education coordinating board, in consultation with the house of representatives and senate committees responsible for higher education, the respective fiscal committees of the house of representatives and senate, the office of financial management, and the state institutions of higher education, shall develop by December of every fourth year beginning in 1989, definitions, criteria, and procedures for determining the undergraduate and graduate educational costs for the state universities, regional universities, and community colleges ~~((upon which tuition fees will be based)).~~

(2) Every four years, the state institutions of higher education in cooperation with the higher education coordinating board shall perform an educational cost study pursuant to subsection (1) of this section. The study shall be conducted based on every fourth academic year beginning with 1989-90. Institutions shall complete the studies within one year of the end of the study year and report the

results to the higher education coordinating board for consolidation, review, and distribution.

(3) In order to conduct the study required by subsection (2) of this section, the higher education coordinating board, in cooperation with the institutions of higher education, shall develop a methodology that requires the collection of comparable educational cost data, which utilizes a faculty activity analysis or similar instrument.

**Sec. 8.** RCW 28B.15.100 and 1993 sp.s. c 18 s 7 are each amended to read as follows:

(1) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges shall charge to and collect from each of the students registering at the particular institution for any quarter or semester such tuition fees and services and activities fees, and other fees as such board shall in its discretion determine. The total of all fees shall be rounded to the nearest whole dollar amount: PROVIDED, That such tuition fees for other than the summer term shall be in the amounts for the respective institutions as otherwise set forth in ~~((this chapter))~~ RCW 28B.15.067.

(2) Part-time students shall be charged tuition and services and activities fees proportionate to full-time student rates established for residents and nonresidents: PROVIDED, That students registered for fewer than two credit hours shall be charged tuition and services and activities fees at the rate established for two credit hours: PROVIDED FURTHER, That, subject to the limitations of RCW 28B.15.910, residents of Idaho or Oregon who are enrolled in community college district number twenty for six or fewer credits during any quarter or semester may be exempted from payment of all or a portion of the nonresident tuition fees differential upon a declaration by the higher education coordinating board that it finds Washington residents from the community college district are afforded substantially equivalent treatment by such other states.

(3) Full-time students registered for more than eighteen credit hours shall be charged an additional operating fee for each credit hour in excess of eighteen hours at the applicable established per credit hour tuition fee rate for part-time students: PROVIDED, That, subject to the limitations of RCW 28B.15.910, the governing boards of the state universities and the community colleges may exempt all or a portion of the additional charge, for students who are registered exclusively in first professional programs in medicine, dental medicine, veterinary medicine, or law, or who are registered exclusively in required courses in vocational preparatory programs.

**Sec. 9.** RCW 28B.15.740 and 1993 sp.s. c 18 s 28 are each amended to read as follows:

(1) Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may waive all or a portion of tuition and fees ~~((subject to the following restrictions:~~

~~(1) Except as provided in subsection (2) of this section, the total dollar amount of tuition and fee waivers awarded by the governing boards shall not exceed four percent, except for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition and services and activities fees had no such waivers been made, and deducting the portion of that total amount that is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be)) for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 and 28B.15.013((~~PROVIDED FURTHER, That the remainder of the dollars waived, not to exceed one-fourth of the total, may be applied to~~)). Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may waive all or a portion of tuition and fees for other students at the discretion of the governing boards, except on the basis of participation in intercollegiate athletic programs((~~PROVIDED FURTHER, That the waivers for undergraduate and graduate students of foreign nations under RCW 28B.15.556 are not subject to the limitation under this section~~)), not to exceed three-fourths of one percent of gross authorized operating fees revenue under RCW 28B.15.910 for the community colleges considered as a whole and not to exceed one percent of gross authorized operating fees revenue for the other institutions of higher education.~~

(2) In addition to the tuition and fee waivers provided in subsection (1) of this section and subject to the provisions of RCW 28B.15.455 (~~and~~), 28B.15.460, and 28B.15.910, a total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college under this chapter, not to exceed one percent, as calculated in subsection (1) of this section, may be used for the purpose of achieving or maintaining gender equity in intercollegiate athletic programs. At any institution that has an underrepresented gender class in intercollegiate athletics, any such waivers shall be awarded:

(a) First, to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; and

(b) Second, (i) to nonmembers of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for members of the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; or (ii) to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers do not result in any saved or displaced money that can be used for athletic programs for members of the underrepresented gender class.

**Sec. 10.** RCW 28B.15.820 and 1993 c 385 s 1 and 1993 c 173 s 1 are each reenacted and amended to read as follows:

(1) Each institution of higher education, (~~except~~) including technical colleges, shall deposit (~~two~~) a minimum of three and one-half percent of revenues collected from tuition and services and activities fees in an institutional financial aid fund that is hereby created and which shall be held locally. Moneys in the fund shall be used only for the following purposes: (a) To make guaranteed long-term loans to eligible students as provided in subsections (3) through (8) of this section; (b) to make short-term loans as provided in subsection (9) of this section; or (c) to provide financial aid to needy students as provided in subsection (10) of this section.

(2) An "eligible student" for the purposes of subsections (3) through (8) and (10) of this section is a student registered for at least six credit hours or the equivalent, who is eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.013, and who is a "needy student" as defined in RCW 28B.10.802.

(3) The amount of the guaranteed long-term loans made under this section shall not exceed the demonstrated financial need of the student. Each institution shall establish loan terms and conditions which shall be consistent with the terms of the guaranteed loan program established by 20 U.S. Code Section 1071 et seq., as now or hereafter amended. All loans made shall be guaranteed by the Washington student loan guaranty association or its successor agency. Institutions are hereby granted full authority to operate as an eligible lender under the guaranteed loan program.

(4) Before approving a guaranteed long-term loan, each institution shall analyze the ability of the student to repay the loan based on factors which include, but are not limited to, the student's accumulated total education loan burdens and the employment opportunities and average starting salary characteristics of the student's chosen fields of study. The institution shall counsel the student on the advisability of acquiring additional debt, and on the availability of other forms of financial aid.

(5) Each institution is responsible for collection of guaranteed long-term loans made under this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Institutions shall cooperate with other lenders and the Washington student loan guaranty association, or its successor agency, in the coordinated collection of guaranteed loans, and shall assure that the guarantability of the loans is not violated. Collection and servicing of guaranteed long-term loans under this section shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency; PROVIDED, That institutions be permitted to perform such servicing if specifically recognized to do so by the Washington student loan guaranty association or its successor agency. Collection and servicing of guaranteed long-term loans made by community colleges under subsection (1) of this section shall

be coordinated by the state board for community and technical colleges and shall be conducted under procedures adopted by the state board.

(6) Receipts from payment of interest or principal or any other subsidies to which institutions as lenders are entitled, that are paid by or on behalf of borrowers of funds under subsections (3) through (8) of this section, shall be deposited in each institution's financial aid fund and shall be used to cover the costs of making the guaranteed long-term loans under this section and maintaining necessary records and making collections under subsection (5) of this section: PROVIDED, That such costs shall not exceed five percent of aggregate outstanding loan principal. Institutions shall maintain accurate records of such costs, and all receipts beyond those necessary to pay such costs, shall be deposited in the institution's financial aid fund.

(7) The governing boards of the state universities, the regional universities, and The Evergreen State College, and the state board for community and technical colleges, on behalf of the community colleges and technical colleges, shall each adopt necessary rules and regulations to implement this section.

(8) First priority for any guaranteed long-term loans made under this section shall be directed toward students who would not normally have access to educational loans from private financial institutions in Washington state, and maximum use shall be made of secondary markets in the support of loan consolidation.

(9) Short-term loans, not to exceed one year, may be made from the institutional financial aid fund to students enrolled in the institution. No such loan shall be made to any student who is known by the institution to be in default or delinquent in the payment of any outstanding student loan. A short-term loan may be made only if the institution has ample evidence that the student has the capability of repaying the loan within the time frame specified by the institution for repayment.

(10) Any moneys deposited in the institutional financial aid fund that are not used in making long-term or short-term loans may be used by the institution for locally-administered financial aid programs for needy students, such as need-based institutional employment programs or need-based tuition and fee scholarship or grant programs. These funds shall be used in addition to and not to replace institutional funds that would otherwise support these locally-administered financial aid programs. First priority in the use of these funds shall be given to needy students who have accumulated excessive educational loan burdens. An excessive educational loan burden is a burden that will be difficult to repay given employment opportunities and average starting salaries in the student's chosen fields of study. Second priority in the use of these funds shall be given to needy single parents, to assist these students with their educational expenses, including expenses associated with child care and transportation.

**Sec. 11.** RCW 28B.50.095 and 1991 c 238 s 36 are each amended to read as follows:

In addition to other powers and duties, the college board may issue rules and regulations permitting a student to register at more than one community and technical college, provided that such student shall pay tuition and fees as if the student were registered at a single college, but not to exceed tuition and fees charged a full-time student as established ~~((by RCW 28B.15.502))~~ under chapter 28B.15 RCW.

**Sec. 12.** RCW 28B.80.360 and 1990 c 33 s 561 are each amended to read as follows:

The board shall perform the following administrative responsibilities:

(1) Administer the programs set forth in the following statutes: RCW 28A.600.100 through 28A.600.150 (Washington scholars); chapter 28B.04 RCW (displaced homemakers); chapter 28B.85 RCW (degree-granting institutions); RCW 28B.10.210 through 28B.10.220 (blind students subsidy); RCW 28B.10.800 through 28B.10.824 (student financial aid program); chapter 28B.12 RCW (work study); RCW 28B.15.067 ~~((through 28B.15.076 (educational costs for))~~ (establishing tuition and fees); RCW 28B.15.543 (tuition waivers for Washington scholars); RCW 28B.15.760 through 28B.15.766 (math and science loans); RCW 28B.80.150 through 28B.80.170 (student exchange compact); RCW 28B.80.240 (student aid programs); and RCW 28B.80.210 (federal programs).

(2) Study the delegation of the administration of the following: RCW 28B.65.040 through 28B.65.060 (high-technology board); chapter 28B.85 RCW (degree-granting institutions); RCW 28B.80.150 through 28B.80.170 (student exchange compact programs); RCW 28B.80.200 (state commission for federal law purposes); RCW 28B.80.210 (enumerated federal programs); RCW 28B.80.230 (receipt of federal funds); RCW 28B.80.240 (student financial aid programs); RCW 28A.600.120 through 28A.600.150 (Washington scholars); RCW 28B.15.543 (Washington scholars); RCW 28B.04.020 through 28B.04.110 (displaced homemakers); RCW 28B.10.215 and 28B.10.220 (blind students); RCW 28B.10.790, 28B.10.792, and 28B.10.802 through 28B.10.844 (student financial aid); RCW 28B.12.040 through 28B.12.070 (student work study); RCW 28B.15.100 (reciprocity agreement); RCW 28B.15.730 through 28B.15.736 (Oregon reciprocity); RCW 28B.15.750 through 28B.15.754 (Idaho reciprocity); RCW 28B.15.756 and 28B.15.758 (British Columbia reciprocity); and RCW 28B.15.760 through 28B.15.764 (math/science loans). The board shall report the results of its study and recommendations to the legislature.

NEW SECTION. **Sec. 13.** The following acts or parts of acts are each repealed:

(1) RCW 28B.15.202 and 1993 sp.s. c 18 s 8, 1993 c 379 s 202, 1992 c 231 s 7, 1985 c 390 s 19, 1982 1st ex.s. c 37 s 18, & 1981 c 257 s 6;

(2) RCW 28B.15.402 and 1993 sp.s. c 18 s 11, 1993 c 379 s 203, 1992 c 231 s 10, 1989 c 245 s 1, 1985 c 390 s 24, 1982 1st ex.s. c 37 s 19, & 1981 c 257 s 7; and

(3) RCW 28B.15.502 and 1993 sp.s. c 18 s 12, 1993 c 379 s 204, 1992 c 231 s 11, 1991 c 353 s 2, 1985 c 390 s 25, 1982 1st ex.s. c 37 s 10, & 1981 c 257 s 8.

**NEW SECTION. Sec. 14.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 23, 1995.

Passed the House May 23, 1995.

Approved by the Governor June 14, 1995.

Filed in Office of Secretary of State June 14, 1995.

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## CHAPTER 10

[Engrossed Substitute Senate Bill 5408]

### SCHOOL BUS ACQUISITIONS

AN ACT Relating to school bus acquisitions; amending RCW 28A.160.200 and 28A.335.190; adding a new section to chapter 28A.160 RCW; creating a new section; providing an effective date; and declaring an emergency.

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

**NEW SECTION. Sec. 1.** A new section is added to chapter 28A.160 RCW to read as follows:

(1) The superintendent of public instruction, in consultation with the regional transportation coordinators of the educational service districts, shall establish a minimum number of school bus categories considering the capacity and type of vehicles required by school districts in Washington. The superintendent, in consultation with the regional transportation coordinators of the educational service districts, shall establish competitive specifications for each category of school bus. The categories shall be developed to produce minimum long-range operating costs, including costs of equipment and all costs in operating the vehicles. The categories, for purposes of comparative studies, will be at a minimum the same as those in the beginning of the 1994-95 school year. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

(2) After establishing school bus categories and competitive specifications, the superintendent of public instruction shall solicit competitive price quotes from school bus dealers to be in effect for one year and establish a list of the lowest competitive price quotes obtained under this subsection.

(3) The superintendent shall base the level of reimbursement to school districts and educational service districts for school buses on the lowest quote in each category.

(4) Notwithstanding RCW 28A.335.190, school districts and educational service districts may purchase at the quoted price directly from the dealer who



is providing the lowest competitive price quote on the list established under subsection (2) of this section. School districts and educational service districts may make their own selections for school buses, but shall be reimbursed at the rates determined under this section and RCW 28A.160.200. District-selected options shall not be reimbursed by the state.

(5) This section does not prohibit school districts or educational service districts from conducting their own competitive bid process.

(6) The superintendent of public instruction may adopt rules under chapter 34.05 RCW to implement this section.

**Sec. 2.** RCW 28A.160.200 and 1990 c 33 s 146 are each amended to read as follows:

~~((The superintendent shall determine the vehicle acquisition allocation in the following manner:~~

~~(1) By May 1st of each year, the superintendent shall develop preliminary categories of student transportation vehicles to ensure adequate student transportation fleets for districts. The superintendent shall take into consideration the types of vehicles purchased by individual school districts in the state. The categories shall include, but not be limited to, variables such as vehicle capacity, type of chassis, type of fuel, engine and body type, special equipment, and life of vehicle. The categories shall be developed in conjunction with the local districts and shall be applicable to the following school year. The categories shall be designed to produce minimum long-range operating costs, including costs of equipment and all costs incurred in operating the vehicles. Each category description shall include the estimated state-determined purchase price, which shall be based on the actual costs of the vehicles purchased for that comparable category in the state during the preceding twelve months and the anticipated market price for the next school fiscal year. By June 15th of each year, the superintendent shall notify districts of the preliminary vehicle categories and state-determined purchase price for the ensuing school year. By October 15th of each year, the superintendent shall finalize the categories and the associated state-determined purchase price and shall notify districts of any changes. While it is the responsibility of each district to select each student transportation vehicle to be purchased by the district, each district shall be paid a sum based only on the amount of the state-determined purchase price and inflation as recognized by the reimbursement schedule established in this section as set by the superintendent for the category of vehicle purchased.~~

~~(2))~~ (1) The superintendent shall develop a reimbursement schedule to pay districts for the cost of student transportation vehicles purchased after September 1, 1982. While it is the responsibility of each district to select and pay for each student transportation vehicle purchased by the district, each district shall be paid a sum based on the category of vehicle, anticipated lifetime of vehicles of this category, and state reimbursement rate for the category plus inflation as recognized by the reimbursement schedule established in this section as set by the superintendent. Categories and reimbursement rates of vehicles shall be

those established under section 1 of this act. The accumulated value of the payments and the potential investment return thereon shall be designed to be equal to the replacement ~~((value))~~ cost of the vehicle less its salvage value at the end of its anticipated lifetime. The superintendent shall revise at least annually the reimbursement payments based on the current and anticipated future cost of comparable categories of transportation equipment. Reimbursements to school districts for approved transportation equipment shall be placed in a separate ~~((vehicle))~~ transportation vehicle fund established for each school district under RCW 28A.160.130. However, educational service districts providing student transportation services pursuant to RCW 28A.310.180(4) and receiving moneys generated pursuant to this section shall establish and maintain a separate ~~((vehicle))~~ transportation vehicle account in the educational service district's general expense fund for the purposes and subject to the conditions under RCW 28A.160.130 and 28A.320.300.

~~((3))~~ (2) To the extent possible, districts shall operate vehicles acquired under this section not less than the number of years or useful lifetime now, or hereafter, assigned to the ~~((class))~~ category of vehicles by the superintendent. School districts shall properly maintain the transportation equipment acquired under the provisions of this section, in accordance with rules established by the office of the superintendent of public instruction. If a district fails to follow generally accepted standards of maintenance and operation, the superintendent of public instruction shall penalize the district by deducting from future reimbursements under this section an amount equal to the original cost of the vehicle multiplied by the fraction of the useful lifetime or miles the vehicle failed to operate.

~~((4))~~ (3) The superintendent shall annually develop a depreciation schedule to recognize the cost of depreciation to districts contracting with private carriers for student transportation. Payments on this schedule shall be a straight line depreciation based on the original cost of the appropriate category of vehicle.

**Sec. 3.** RCW 28A.335.190 and 1994 c 212 s 1 are each amended to read as follows:

(1) When, in the opinion of the board of directors of any school district, the cost of any furniture, supplies, equipment, building, improvements, or repairs, or other work or purchases, except books, will equal or exceed the sum of fifty thousand dollars, complete plans and specifications for such work or purchases shall be prepared and notice by publication given in at least one newspaper of general circulation within the district, once each week for two consecutive weeks, of the intention to receive bids therefor and that specifications and other information may be examined at the office of the board or any other officially designated location: PROVIDED, That the board without giving such notice may make improvements or repairs to the property of the district through the shop and repair department of such district when the total of such improvements or repair does not exceed the sum of (a) fifteen thousand dollars, for districts with fifteen thousand five hundred or more full-time equivalent students; or (b) for districts

with fewer than fifteen thousand five hundred full-time equivalent students, fifteen thousand dollars if more than one craft or trade is involved with the school district improvement or repair, or ten thousand dollars if a single craft or trade is involved with the school district improvement or repair. The cost of any public work, improvement or repair for the purposes of this section shall be the aggregate of all amounts to be paid for labor, material, and equipment on one continuous or interrelated project where work is to be performed simultaneously or in close sequence. The bids shall be in writing and shall be opened and read in public on the date and in the place named in the notice and after being opened shall be filed for public inspection.

(2) Every purchase of furniture, equipment or supplies, except books, the cost of which is estimated to be in excess of fifteen thousand dollars, shall be on a competitive basis. The board of directors shall establish a procedure for securing telephone and/or written quotations for such purchases. Whenever the estimated cost is from fifteen thousand dollars up to fifty thousand dollars, the procedure shall require quotations from at least three different sources to be obtained in writing or by telephone, and recorded for public perusal. Whenever the estimated cost is in excess of fifty thousand dollars, the public bidding process provided in subsection (1) of this section shall be followed.

(3) Every building, improvement, repair or other public works project, the cost of which is estimated to be in excess of (a) fifteen thousand dollars, for districts with fifteen thousand five hundred or more full-time equivalent students; or (b) for districts with fewer than fifteen thousand five hundred full-time equivalent students, fifteen thousand dollars if more than one craft or trade is involved with the school district improvement or repair, or ten thousand dollars if a single craft or trade is involved with the school district improvement or repair, shall be on a competitive bid process. All such projects estimated to be less than fifty 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 board of directors shall establish 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 who have indicated the capability of performing the kind of public works being contracted. 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 at least once each year by publishing notice of such opportunity in at least one newspaper of general circulation in the district. Responsible contractors shall be added to the list at any time they submit a written request. Whenever the estimated cost of a public works project is fifty thousand dollars or more, the public bidding process provided in subsection (1) of this section shall be followed.

(4) The contract for the work or purchase shall be awarded to the lowest responsible bidder as defined in RCW 43.19.1911 but the board may by resolution reject any and all bids and make further calls for bids in the same manner as the original call. On any work or purchase the board shall provide bidding information to any qualified bidder or the bidder's agent, requesting it in person.

(5) In the event of any emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board declaring the existence of such an emergency and reciting the facts constituting the same, the board may waive the requirements of this section with reference to any purchase or contract: PROVIDED, That an "emergency", for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of the school district in the absence of prompt remedial action.

(6) This section does not apply to the direct purchase of school buses by school districts and educational services in accordance with section 1 of this act.

NEW SECTION. Sec. 4. (1) By December 15, 1996, the superintendent of public instruction, in consultation with the legislative budget committee, shall prepare a report comparing:

- (a) The reimbursement schedule in effect for the 1994-95 school year with the reimbursement schedule adopted for the 1995-96 school year;
- (b) The expected state savings from using the 1995-96 schedule; and
- (c) The price quotes received by the superintendent of public instruction with the prices obtained by school districts and educational service districts.

(2) The report shall be submitted to the fiscal committees of the house of representatives and the senate.

NEW SECTION. Sec. 5. (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) Section 2 of this act shall take effect September 1, 1995.

Passed the Senate May 2, 1995.

Passed the House May 1, 1995.

Approved by the Governor June 14, 1995.

Filed in Office of Secretary of State June 14, 1995.

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## CHAPTER 11

[Second Engrossed Senate Bill 5529]

## SCHOOL DISTRICT LEVIES

AN ACT Relating to school district levies; amending RCW 84.52.0531; and adding a new section to chapter 28A.320 RCW.

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

**Sec. 1.** RCW 84.52.0531 and 1994 c 116 s 2 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1992, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1991.

(2) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350: PROVIDED, That when determining the basic education allocation under subsection (4) of this section, nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.545 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

(3) For excess levies for collection in calendar year 1993 and thereafter, the maximum dollar amount shall be the sum of (a) and (b) of this subsection minus (c) of this subsection:

(a) The district's levy base as defined in subsection (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (5) of this section;

(b) In the case of nonhigh school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.545 RCW for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (1) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.545 RCW in such computation;

(c) The maximum amount of state matching funds under RCW 28A.500.010 for which the district is eligible in that tax collection year.

(4) For excess levies for collection in calendar year 1993 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local

revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Handicapped education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) State-wide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(5) For excess levies for collection in calendar year 1993 and thereafter, a district's maximum levy percentage shall be determined as follows:

(a) Multiply the district's maximum levy percentage for the prior year by the district's levy base as determined in subsection (4) of this section;

(b) Reduce the amount in (a) of this subsection by the total estimated amount of any levy reduction funds as defined in subsection (6) of this section which are to be allocated to the district for the current school year;

(c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage;

(d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in that calendar year; and

(e) For levies to be collected in calendar years 1994 (~~and 1995~~) through 1997, the maximum levy rate shall be the district's maximum levy percentage for 1993 plus four percent reduced by any levy reduction funds. For levies collected in (~~1996~~) 1998, the prior year shall mean 1993.

(6) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsection (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(7) For the purposes of this section, "prior school year" shall mean the most recent school year completed prior to the year in which the levies are to be collected.

(8) For the purposes of this section, "current school year" shall mean the year immediately following the prior school year.

(9) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(10) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

**NEW SECTION.** **Sec. 2.** A new section is added to chapter 28A.320 RCW to read as follows:

In seeking voter approval for levies that assume any portion of the revenues will be collected in calendar year 1998 and thereafter, the boards of directors of each school district shall only request voter approval for an amount consistent with levy limits in existing law at the time the levy approval is requested from the voters and reflecting in such calculations the 1993 rate for any amounts collected in calendar year 1998 and thereafter.

Passed the Senate May 23, 1995.

Passed the House May 23, 1995.

Approved by the Governor June 14, 1995.

Filed in Office of Secretary of State June 14, 1995.

## CHAPTER 12

[Second Engrossed Senate Bill 5555]

### MESSAGE SERVICES TAXATION—MODIFICATIONS

AN ACT Relating to taxation of massage services; amending RCW 82.04.050, 82.04.290, and 82.04.2201; creating a new section; providing an effective date; and declaring an emergency.

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

**NEW SECTION.** **Sec. 1.** It is the intent of the legislature that massage services be recognized as health care practitioners for the purposes of business and occupation tax application. To achieve this intent massage services are being removed from the definition of sale at retail and retail sale.

**Sec. 2.** RCW 82.04.050 and 1995 c 39 s 2 are each amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who presents a resale certificate under RCW 82.04.470 and who:

(a) Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person; or

(b) Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person; or

(c) Purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; or

(d) Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or

(e) Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), (d), or (e) of this subsection following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280 (2) and (7) and 82.04.290.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

(a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects;

(b) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

(c) The charge for labor and services rendered in respect to constructing, repairing, or improving any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the



purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

(d) The sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

(e) The sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;

(f) The sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same;

(g) The sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), (e), and (f) of this subsection when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this subsection shall be construed to modify subsection (1) of this section and nothing contained in subsection (1) of this section shall be construed to modify this subsection.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

(a) Amusement and recreation services including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows, and others;

(b) Abstract, title insurance, and escrow services;

(c) Credit bureau services;

(d) Automobile parking and storage garage services;

(e) Landscape maintenance and horticultural services but excluding (i) horticultural services provided to farmers and (ii) pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;

(f) Service charges associated with tickets to professional sporting events;

(g) Guided tours and guided charters; and

(h) The following personal services: Physical fitness services, tanning salon services, tattoo parlor services, (~~massage services,~~) steam bath services, turkish bath services, escort services, and dating services.

(4) The term shall also include the renting or leasing of tangible personal property to consumers and the rental of equipment with an operator.

(5) The term shall also include the providing of telephone service, as defined in RCW 82.04.065, to consumers.

(6) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind.

(7) The term shall also not include sales of feed, seed, seedlings, fertilizer, agents for enhanced pollination including insects such as bees, and spray materials to persons who participate in the federal conservation reserve program or its successor administered by the United States department of agriculture, or to farmers for the purpose of producing for sale any agricultural product, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

(8) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority.

*\*Sec. 3. RCW 82.04.290 and 1995 c 229 s 3 are each amended to read as follows:*

*(1) Upon every person engaging within this state in the business of providing selected business services other than or in addition to those enumerated in RCW 82.04.250 or 82.04.270; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 2.5 percent.*

*(2) Upon every person engaging within this state in banking, loan, security, investment management, investment advisory, or other financial businesses, other than or in addition to those enumerated in subsection (3) of*

this section; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of 1.70 percent.

(3) Upon every person engaging within this state in the business of providing international investment management services, as to such persons, the amount of tax with respect to such business shall be equal to the gross income or gross proceeds of sales of the business multiplied by a rate of 0.275 percent.

(4) Upon every person engaging within this state in the business of providing massage services; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of 0.471 percent.

(5) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280, and subsections (1)(~~(1-2)~~, and ~~(3)~~) through (4) of this section; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 2.0 percent. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

\*Sec. 3 was vetoed. See message at end of chapter.

\*Sec. 4. RCW 82.04.2201 and 1995 c 229 s 2 are each amended to read as follows:

There is levied and shall be collected for the period July 1, 1993, through June 30, 1997, from every person for the act or privilege of engaging in business activities, as a part of the tax imposed under RCW 82.04.220 through 82.04.280 and 82.04.290 (3) and (~~(4)~~) (5), except RCW 82.04.250(1) and 82.04.260(15), an additional tax equal to 4.5 percent multiplied by the tax payable under those sections.

To facilitate collection of these additional taxes, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

\*Sec. 4 was vetoed. See message at end of chapter.

**NEW SECTION.** Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

Passed the Senate May 23, 1995.

Passed the House May 23, 1995.

Approved by the Governor June 14, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State June 14, 1995.

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

"I am returning herewith, without my approval as to sections 3 and 4, Second Engrossed Senate Bill No. 5555 entitled:

"AN ACT Relating to taxation of massage services;"

Second Engrossed Senate Bill No. 5555 provides that massage services no longer would be subject to the retail sales tax, but would continue to be taxed at the same business and occupation tax rate as retailers.

Massage services were added to the list of services subject to the retail sales tax in 1993. The state further agreed that medically-ordered massage was part of physical therapy services and should remain taxable under the service classification. Massage therapists performing both medically-ordered massage and discretionary massage services were forced to report under two classifications.

Massage therapists have argued since the change in 1993 that they are health care professionals and should be taxed, as are most other health care professionals, under the service classification of the business and occupation tax.

Although the bill orders massage services to be taxed under the new, special rate, it does not end the distinction between medically-ordered massage and discretionary massage.

Thus, in order to return the massage therapists to the tax status they enjoyed prior to the 1993 legislative session, I am vetoing sections 3 and 4 of Second Engrossed Senate Bill No. 5555. This will have the effect of removing massage services from the retail sales tax, making all massage services taxable at a single rate. With this veto, massage services will be taxed under the service and other business and occupation tax.

For these reasons, I have vetoed sections 3 and 4 of Second Engrossed Senate Bill No. 5555.

With the exception of sections 3 and 4, Second Engrossed Senate Bill No. 5555 is approved."

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## CHAPTER 13

[Senate Bill 6010]

### LEARNING ASSISTANCE PROGRAM

AN ACT Relating to the learning assistance program; amending RCW 28A.165.070; and declaring an emergency.

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

**Sec. I.** RCW 28A.165.070 and 1993 sp.s. c 24 s 520 are each amended to read as follows:

Each school district which has established an approved program shall be eligible, as determined by the superintendent of public instruction, for state funds made available for the purposes of such programs.

(1) For the ~~((1993-94 and 1994-95))~~ 1995-96 school year~~((s))~~ and thereafter, the superintendent of public instruction shall distribute funds appropriated for the learning assistance program in accordance with the biennial appropriations act. The distribution formula shall be based upon an assessment of students and a poverty factor.

~~(2) ((For the 1995-96 school year and thereafter and unless modified under subsection (4) of this section, the superintendent of public instruction shall make use of data derived from the basic skills tests in determining the amount of funds for which a district may be eligible. Funds shall be distributed according to the district's total full-time equivalent enrollment in kindergarten through grade nine and the percentage of the district's students taking the basic skills tests who scored in the lowest quartile as compared with national norms. In making this calculation, the superintendent of public instruction may use an average over the immediately preceding five or fewer years of the district's percentage scoring in the lowest quartile. The superintendent of public instruction shall also deduct the number of students at these age levels who are identified as specific learning disabled and are generating state funds for special education programs conducted pursuant to RCW 28A.155.010 through 28A.155.100, in distributing state funds for learning assistance.~~

~~(3))~~ The distribution ~~((formula in this section))~~ of funds is for allocation purposes only.

~~((4))~~ (3) The superintendent of public instruction shall recommend to the legislature a new allocation formula ~~((for use in the 1995-97 fiscal biennium))~~ that uses additional elements consistent with performance-based education and the new assessment system developed by the commission on student learning. ~~((The superintendent may request a delay in development of the new allocation formula if the commission's assessment system is not available for use in the 1995-97 biennium))~~ The superintendent of public instruction shall develop the recommendations for a new allocation formula not later than the 1997-98 school year, based upon the initial implementation of the assessment system for reading, writing, communication, and mathematics.

***\*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.***

\*Sec. 2 was vetoed. See message at end of chapter.

Passed the Senate May 16, 1995.

Passed the House May 23, 1995.

Approved by the Governor June 14, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State June 14, 1995.

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

"I am returning herewith, without my approval as to section 2, Senate Bill No. 6010 entitled:

"AN ACT Relating to the learning assistance program;"

Senate Bill No. 6010 changes the state funding formula for the learning assistance program beginning with the 1995-96 school year. Section 2 contains an emergency clause indicating this act is necessary "for the immediate preservation of the public peace, health, or safety, or support of the state government." However, the new formula starts with the beginning of the 1995-96 school year, which is not until September 1, 1995. Preventing this bill from being subject to a referendum under Article II, section 1(b) of the state Constitution unnecessarily denies the people of this state their power, at their own option, to approve or reject this bill at the polls.

For this reason, I am vetoing section 2 of Senate Bill No. 6010.

With the exception of section 2, Senate Bill No. 6010 is approved."

## CHAPTER 14

[Second Engrossed Substitute Senate Bill 6049]

### FINANCING OF PUBLIC STADIUMS USED BY PROFESSIONAL SPORTS TEAMS

AN ACT Relating to financing of public stadiums used by professional sports teams; amending RCW 36.100.010, 36.100.020, 36.100.030, 36.100.060, 35.21.280, 36.38.010, and 67.28.180; adding new sections to chapter 36.100 RCW; adding a new section to chapter 82.14 RCW; providing an effective date; and declaring an emergency.

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

**Sec. 1.** RCW 36.100.010 and 1995 c . . . (Substitute Senate Bill No. 5127) s 1 are each amended to read as follows:

(1) A public facilities district may be created in any county and shall be coextensive with the boundaries of the county.

(2) A public facilities district shall be created upon adoption of a resolution providing for the creation of such a district by the county legislative authority in which the proposed district is located.

(3) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(4) No taxes authorized under this chapter may be assessed or levied unless a majority of the voters of the public facilities district has ~~((validated the creation of the public facilities district at a general or special election. A single ballot proposition may both authorize the creation of a public facilities district and the imposition of the sales and use tax under RCW 82.14.048 or both the creation of a public facilities district and the imposition of the excise tax under RCW 36.100.040))~~ approved such tax at a general or special election. A single ballot proposition may both validate the imposition of the sales and use tax under RCW 82.14.048 and the excise tax under RCW 36.100.040.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute,

including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) The county legislative authority may transfer property to the public facilities district as part of the process of creating the public facilities district under this chapter.

**Sec. 2.** RCW 36.100.020 and 1995 c . . . (Substitute Senate Bill No. 5127) s 2 are each amended to read as follows:

(1) A public facilities district shall be governed by a board of directors consisting of five or seven members as provided in this section. If the largest city in the county has a population that is at least forty percent of the total county population, the board of directors of the public facilities district shall consist of five members selected as follows: ~~((+))~~ (a) Two members appointed by the county legislative authority to serve for four-year staggered terms; ~~((2))~~ (b) two members appointed by the city council of the largest city in the county to serve for four-year staggered terms; and ~~((3))~~ (c) one person to serve for a four-year term who is selected by the other directors. If the largest city in the county has a population of less than forty percent of the total county population, the county legislative authority shall establish in the resolution creating the public facilities district whether the board of directors of the public facilities district ~~((have))~~ has either five or seven members, and the county legislative authority shall appoint the members of the board of directors to reflect the interests of cities and towns in the county, as well as the unincorporated area of the county. However, if the largest city in the county has a population of less than forty percent of the total county population, and the county operates under a county charter, which provides for an elected county executive, the members shall be appointed by the county executive subject to confirmation by the county legislative authority.

(2) At least one member on the board of directors shall be representative of the lodging industry in the public facilities district before the public facilities district imposes the excise tax under RCW 36.100.040.

(3) Members of the board of directors shall serve four-year terms of office, except that two of the initial five board members or three of the initial seven board members shall serve two-year terms of office.

(4) A vacancy shall be filled in the same manner as the original appointment was made and the person appointed to fill a vacancy shall serve for the remainder of the unexpired term of the office for the position to which he or she was appointed.

(5) A director may be removed from office ~~((for cause))~~ by action of at least two-thirds of the members of the ~~((county legislative))~~ authority which made the appointment.

**Sec. 3.** RCW 36.100.030 and 1995 c . . . (Substitute Senate Bill No. 5127) s 3 are each amended to read as follows:

(1) A public facilities district is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate sports facilities, entertainment facilities, or convention facilities, or any combination of such facilities, together with contiguous parking facilities. The taxes that are provided for in this chapter may only be imposed for these purposes.

(2) A public facilities district may enter into agreements under chapter 39.34 RCW for the joint provision and operation of such facilities and may enter into contracts under chapter 39.34 RCW where any party to the contract provides and operates such facilities for the other party or parties to the contract.

(3) Notwithstanding the establishment of a career, civil, or merit service system, a public facility district may contract with a public or private entity for the operation or management of its public facilities.

(4) A public facilities district is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any of its public facilities.

(5) A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations.

**Sec. 4.** RCW 36.100.060 and 1995 c . . . (Substitute Senate Bill No. 5127) s 5 are each amended to read as follows:

(1) To carry out the purpose of this chapter, a public facilities district may issue general obligation bonds, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to (~~three-eighths~~) one-half of one percent of the value of taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015. A facilities district additionally may issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, when authorized by the voters of the public facilities district pursuant to Article VIII, section 6 of the state Constitution, and to provide for the retirement thereof by excess property tax levies as provided in this chapter.

(2) General obligation bonds may be issued with a maturity of up to thirty years, and shall be issued and sold in accordance with the provisions of chapter 39.46 RCW.

(3) The general obligation bonds may be payable from the operating revenues of the public facilities district in addition to the tax receipts of the district.

(4) The excise tax imposed pursuant to RCW 36.100.040 shall terminate upon final payment of all bonded indebtedness for its public facilities.

**NEW SECTION.** **Sec. 5.** No direct or collateral attack on any public facilities district purported to be authorized or created in conformance with this



chapter may be commenced more than thirty days after creation by the county legislative authority.

**NEW SECTION.** Sec. 6. (1) The governing board of a public facilities district may apply for deferral of taxes on the construction of buildings, site preparation, and the acquisition of related machinery and equipment for a new public facility. Application shall be made to the department of revenue in a form and manner prescribed by the department of revenue. The application shall contain information regarding the location of the public facility, estimated or actual costs, time schedules for completion and operation, and other information required by the department of revenue. The department of revenue shall approve the application within sixty days if it meets the requirements of this section.

(2) The department of revenue shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on the public facility. The use of the certificate shall be governed by rules established by the department of revenue.

(3) The public facilities district shall begin paying the deferred taxes in the fifth year after the date certified by the department of revenue as the date on which the public facility is operationally complete. The first payment is due on December 31st of the fifth calendar year after such certified date, with subsequent annual payments due on December 31st of the following nine years. Each payment shall equal ten percent of the deferred tax.

(4) The department of revenue may authorize an accelerated repayment schedule upon request of the public facilities district.

(5) Interest shall not be charged on any taxes deferred under this section for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this section. The debt for deferred taxes is not extinguished by insolvency or other failure of the public facilities district.

(6) Applications and any other information received by the department of revenue under this section are not confidential and are subject to disclosure. Chapter 82.32 RCW applies to the administration of this section.

(7) As used in this section, "public facility" means a baseball stadium with a retractable roof or canopy and natural turf.

**NEW SECTION.** Sec. 7. A new section is added to chapter 82.14 RCW to read as follows:

(1) The legislative authority of a county with a population of one million or more operating under a county charter may impose a special stadium sales and use tax by resolution adopted on or before December 31, 1995, for collection following its approval by a majority of the voters in the county at a general or special election.

(2) The rate of the 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. The tax imposed under this section shall not be credited against any other tax imposed upon the same taxable event.

(3) The revenue from the tax imposed under this section shall be used for the purpose of principal and interest payments on bonds issued by a public facilities district, created within the county under chapter 36.100 RCW, to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate a baseball stadium with a retractable roof or canopy and natural turf. If the revenue from the tax imposed under this section exceeds the amount needed for such principal and interest payments in any year, the excess shall be used solely for either or both: (a) Early retirement of the bonds issued for the baseball stadium; or (b) retirement of bonds issued for expanding, remodeling, repairing, or reequipping of a multipurpose stadium that has a seating capacity over forty-five thousand.

(4) The tax authorized under this section may be collected only after the county executive has certified to the department of revenue that a professional major league baseball team has made a binding and legally enforceable contractual commitment to:

(a) Play at least ninety percent of its home games in the stadium for a period of time not shorter than the term of the bonds issued to finance the initial construction of the stadium;

(b) Contribute principal of forty-five million dollars toward the bonded cost of construction of the stadium, which contribution shall be made during a term not to exceed the term of the bonds issued to finance the initial construction of the stadium. If all or part of the contribution is made after the date of issuance of the bonds, the team shall contribute an additional amount equal to the accruing interest on the deferred portion of the contribution, calculated at the interest rate on the bonds maturing in the year in which the deferred contribution is made; and

(c) Share a portion of the profits generated by the baseball team from the operation of the professional franchise for a period of time equal to the term of the bonds issued to finance the initial construction of the stadium, after offsetting any losses incurred by the baseball team after the effective date of this act. Such profits and the portion to be shared shall be defined by agreement between the public facilities district and the baseball team. The shared profits shall be used to retire the bonds issued to finance the initial construction of the stadium. If the bonds are retired before the expiration of their term, the shared profits shall be paid to the public facilities district.

(5) The tax imposed under this section shall expire when the bonds issued for the construction of the new public facilities are retired, but not later than twenty years after the tax is first collected.

**Sec. 8.** RCW 35.21.280 and 1965 c 7 s 35.21.280 are each amended to read as follows:

Every city and town may levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission

charge to any place: PROVIDED, No city or town shall impose such tax on persons paying an admission to any activity of any elementary or secondary school. This includes a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same privileges or accommodations. A city that is located in a county with a population of one million or more may not levy a tax on events in stadia constructed on or after January 1, 1995, that are owned by county government or a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand. The city or town may require anyone who receives payment for an admission charge to collect and remit the tax to the city or town.

The term "admission charge" includes:

- (1) A charge made for season tickets or subscriptions;
- (2) A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;
- (3) A charge made for food and refreshment in any place where free entertainment, recreation or amusement is provided;
- (4) A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;
- (5) Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

**Sec. 9.** RCW 36.38.010 and 1963 c 4 s 36.38.010 are each amended to read as follows:

(1) Any county may by ordinance enacted by its (~~board of~~) county (~~commissioners~~) legislative authority, levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid for county purposes by persons who pay an admission charge to any place, including a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same or similar privileges or accommodations; and require that one who receives any admission charge to any place shall collect and remit the tax to the county treasurer of the county: PROVIDED, No county shall impose such tax on persons paying an admission to any activity of any elementary or secondary school.

(2) As used in this chapter, the term "admission charge" includes a charge made for season tickets or subscriptions, a cover charge, or a charge made for use of seats and tables, reserved or otherwise, and other similar accommodations; a charge made for food and refreshments in any place where any free entertainment, recreation, or amusement is provided; a charge made for rental or use of equipment or facilities for purpose of recreation or amusement, and where the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge. It shall also include any automobile parking

charge where the amount of such charge is determined according to the number of passengers in any automobile.

(3) The tax herein authorized shall not be exclusive and shall not prevent any city or town within the taxing county, when authorized by law, from imposing within its corporate limits a tax of the same or similar kind: PROVIDED, That whenever the same or similar kind of tax is imposed by any such city or town, no such tax shall be levied within the corporate limits of such city or town by the ~~((board of)) county ((commissioners))~~, except that the legislative authority of a county with a population of one million or more may exclusively levy a tax on events in stadiums constructed on or after January 1, 1995, that are owned by county government or a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand at the rate of not more than one cent on twenty cents or fraction thereof.

(4) By contract, the county shall obligate itself to provide the revenue from the tax authorized by this section on events in stadia owned, managed, or operated by a public facilities district, having seating capacities over forty thousand, and constructed on or after January 1, 1995, to the public facilities district.

**Sec. 10.** RCW 67.28.180 and 1995 c . . . (Engrossed Substitute Senate Bill No. 5943) s 8 are each amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: PROVIDED, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this section upon the same taxable event.

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of (a) of this subsection, to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160: PROVIDED, That so much of such pledged tax revenues, together with any investment earnings thereon, not

immediately necessary for actual payment of principal and interest on such bonds may be used: (i) In any county with a population of one million or more, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; or (ii) in other counties, for county-owned facilities for agricultural promotion. A county is exempt under this subsection in respect to city revenue or general obligation bonds issued after April 1, 1991, only if such bonds mature before January 1, 2013.

As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county.

(c) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt: PROVIDED, That in the event that any city in such county has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be subject to the following:

(a) Taxes collected under this section in any calendar year in excess of five million three hundred thousand dollars shall only be used as follows:

(i) Seventy-five percent from January 1, 1992, through December 31, 2000, and seventy percent from January 1, 2001, through December 31, 2012, for art museums, cultural museums, heritage museums, the arts, and the performing arts. Moneys spent under this subsection (3)(a)(i) shall be used for the purposes of this subsection (3)(a)(i) in all parts of the county.

(ii) Twenty-five percent from January 1, 1992, through December 31, 2000, and thirty percent from January 1, 2001, through December 31, 2012, for the following purposes and in a manner reflecting the following order of priority:

Stadium capital improvements, as defined in subsection (2)(b) of this section; acquisition of open space lands; youth sports activities; and tourism promotion.

(b) At least seventy percent of moneys spent under (a)(i) of this subsection for the period January 1, 1992, through December 31, 2000, shall be used only for the purchase, design, construction, and remodeling of performing arts, visual arts, heritage, and cultural facilities, and for the purchase of fixed assets that will benefit art, heritage, and cultural organizations. For purposes of this subsection, fixed assets are tangible objects such as machinery and other equipment intended to be held or used for ten years or more. Moneys received under this subsection (3)(b) may be used for payment of principal and interest on bonds issued for capital projects. Qualifying organizations receiving moneys under this subsection (3)(b) must be financially stable and have at least the following:

- (i) A legally constituted and working board of directors;
- (ii) A record of artistic, heritage, or cultural accomplishments;
- (iii) Been in existence and operating for at least two years;
- (iv) Demonstrated ability to maintain net current liabilities at less than thirty percent of general operating expenses;
- (v) Demonstrated ability to sustain operational capacity subsequent to completion of projects or purchase of machinery and equipment; and
- (vi) Evidence that there has been independent financial review of the organization.

(c) At least forty percent of the revenues distributed pursuant to (a)(i) of this subsection for the period January 1, 2001, through December 31, 2012, shall be deposited in an account and shall be used to establish an endowment. Principal in the account shall remain permanent and irreducible. The earnings from investments of balances in the account may only be used for the purposes of (a)(i) of this subsection.

(d) School districts and schools shall not receive revenues distributed pursuant to (a)(i) of this subsection.

(e) Moneys distributed to art museums, cultural museums, heritage museums, the arts, and the performing arts, and moneys distributed for tourism promotion shall be in addition to and may not be used to replace or supplant any other funding by the legislative body of the county.

(f) As used in this section, "tourism promotion" includes activities intended to attract visitors for overnight stays, arts, heritage, and cultural events, and recreational, professional, and amateur sports events. Moneys allocated to tourism promotion in a class AA county shall be allocated to nonprofit organizations formed for the express purpose of tourism promotion in the county. Such organizations shall use moneys from the taxes to promote events in all parts of the class AA county.

(g) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets

or that directly increase the capacity, life span, or operating economy of existing fixed assets.

(h) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

(i) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired. This subsection (3)(i) does not apply in respect to a public stadium transferred to, owned by, or constructed by a public facilities district under chapter 36.100 RCW.

(j) The county shall not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)(j) does not apply to contracts in existence on April 1, 1986.

If a court of competent jurisdiction declares any provision of this subsection (3) invalid, then that invalid provision shall be null and void and the remainder of this section is not affected.

NEW SECTION. Sec. 11. Sections 5 and 6 of this act are each added to chapter 36.100 RCW.

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) Sections 1 through 9 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 July 1, 1995.

(2) Sections 10 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 existing public institutions, and shall take effect immediately.

Passed the Senate May 22, 1995.

Passed the House May 19, 1995.

Approved by the Governor June 14, 1995.

Filed in Office of Secretary of State June 14, 1995.

## CHAPTER 15

[Substitute Senate Bill 6058]

## LOCAL PUBLIC HEALTH GOVERNANCE AND FINANCING

AN ACT Relating to local public health governance and financing; reenacting and amending RCW 82.44.110, adding a new section to chapter 70.05 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 70.05 RCW to read as follows:

(1) The county public health account is created in the state treasury. Funds deposited in the county public health account shall be distributed by the state treasurer to each local public health jurisdiction based upon amounts certified to it by the department of community, trade, and economic development in consultation with the Washington state association of counties. The account shall include funds distributed under RCW 82.44.110 and such funds as are appropriated to the account from the health services account under RCW 43.72.900, the public health services account under RCW 43.72.902, and such other funds as the legislature may appropriate to it.

(2) The director of the department of community, trade, and economic development shall certify the amounts to be distributed to each local public health jurisdiction using 1995 as the base year of actual city contributions to local public health. The county treasurer shall certify the actual 1995 city contribution to the department. Funds in excess of the base shall be distributed proportionately among the health jurisdictions based on incorporated population figures as last determined by the office of financial management.

(3) Moneys distributed under this section shall be expended exclusively for local public health purposes.

**Sec. 2.** RCW 82.44.110 and 1993 sp.s. c 21 s 7 and 1993 c 492 s 253 are each reenacted and 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.

(1) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(1) as follows:

(a) 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.

(b) 8.15 percent into the Puget Sound capital construction account in the motor vehicle fund.

(c) 4.07 percent into the Puget Sound ferry operations account in the motor vehicle fund.

(d) 5.88 percent into the general fund to be distributed under RCW 82.44.155.



(e) 4.75 percent into the municipal sales and use tax equalization account in the general fund created in RCW 82.14.210.

(f) 1.60 percent into the county sales and use tax equalization account in the general fund created in RCW 82.14.200.

(g) 62.6440 percent into the general fund through June 30, 1995, and 57.6440 percent into the general fund beginning July 1, 1995.

(h) 5 percent into the transportation fund created in RCW 82.44.180 beginning July 1, 1995.

(i) 5.9686 percent into the county criminal justice assistance account created in RCW 82.14.310.

(j) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.320.

(k) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.330.

(l) 2.95 percent into the ~~((general fund to be distributed by the state treasurer to county health departments to be used exclusively for public health. The state treasurer shall distribute these funds proportionately among the counties based on population as determined by the most recent United States census))~~ county public health account created in section 1 of this act.

Notwithstanding (i) through (k) of this subsection, no more than sixty million dollars shall be deposited into the accounts specified in (i) through (k) of this subsection for the period January 1, 1994, through June 30, 1995. For the fiscal year ending June 30, 1998, and for each fiscal year thereafter, the amounts deposited into the accounts specified in (i) through (k) of this subsection shall not increase by more than the amounts deposited into those accounts in the previous fiscal year increased by the implicit price deflator for the previous fiscal year. Any revenues in excess of this amount shall be deposited into the general fund.

(2) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(2) into the transportation fund.

(3) The state treasurer shall deposit the excise tax imposed by RCW 82.44.020(3) into the air pollution control account created by RCW 70.94.015.

NEW SECTION. Sec. 3. This act shall take effect January 1, 1996.

Passed the Senate May 16, 1995.

Passed the House May 22, 1995.

Approved by the Governor June 14, 1995.

Filed in Office of Secretary of State June 14, 1995.

**CHAPTER 16**

[Senate Bill 6073]

**CLASSIFYING THE DRIVING OF A MOTOR VEHICLE  
AFTER CONSUMING ALCOHOL BY A PERSON UNDER  
TWENTY-ONE YEARS OF AGE AS A CRIMINAL OFFENSE**

AN ACT Relating to amending RCW 46.63.020 to include reference to section 5 of Substitute Senate Bill No. 5141; reenacting and amending RCW 46.63.020; and providing an effective date.

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

**Sec. 1.** RCW 46.63.020 and 1994 c 275 s 33 and 1994 c 141 s 2 are each reenacted and amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381 (6) or (9) relating to unauthorized use or acquisition of a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.021 relating to driving without a valid driver's license;

(11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(12) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(14) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

(16) RCW 46.25.170 relating to commercial driver's licenses;

(17) Chapter 46.29 RCW relating to financial responsibility;

- (18) RCW 46.30.040 relating to providing false evidence of financial responsibility;
- (19) RCW 46.37.435 relating to wrongful installation of suncreening material;
- (20) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- (21) RCW 46.48.175 relating to the transportation of dangerous articles;
- (22) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- (23) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (24) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- (25) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
- (26) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;
- (27) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
- (28) RCW 46.55.035 relating to prohibited practices by tow truck operators;
- (29) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
- (30) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- (31) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- (32) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- (33) RCW 46.61.500 relating to reckless driving;
- (34) RCW 46.61.502, 46.61.504, 46.61.5051, 46.61.5052, and 46.61.5053 relating to persons under the influence of intoxicating liquor or drugs;
- (35) RCW 46.61.— (section 5, chapter . . . (Substitute Senate Bill No. 5141), Laws of 1995) relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;
- ~~((36))~~ (36) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- ~~((37))~~ (37) RCW 46.61.522 relating to vehicular assault;
- ~~((37))~~ (38) RCW 46.61.525 relating to negligent driving;
- ~~((38))~~ (39) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;
- ~~((39))~~ (40) RCW 46.61.530 relating to racing of vehicles on highways;
- ~~((40))~~ (41) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- ~~((41))~~ (42) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((42))~~ (43) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((42))~~ (44) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((44))~~ (45) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~((45))~~ (46) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((45))~~ (47) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((47))~~ (48) Chapter 46.82 RCW relating to driver's training schools;

~~((48))~~ (49) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

~~((49))~~ (50) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

NEW SECTION. Sec. 2. This act shall take effect September 1, 1995.

Passed the Senate May 2, 1995.

Passed the House May 17, 1995.

Approved by the Governor June 14, 1995.

Filed in Office of Secretary of State June 14, 1995.

## CHAPTER 17

[Senate Bill 6077]

### PROBATIONARY LICENSES AND REISSUE CHARGES FOR ALCOHOL-RELATED OFFENSES

AN ACT Relating to probationary licenses and reissue charges for alcohol-related offenses; amending RCW 46.20.355 and 46.61.— (section 5, chapter . . . (SSB 5141), Laws of 1995); and providing an effective date.

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

**Sec. 1.** RCW 46.20.355 and 1995 c . . . (SSB 5141) s 4 are each amended to read as follows:

(1) Upon placing a license, permit, or privilege to drive in probationary status under RCW 46.20.—(2)(a) (section 3(2)(a), chapter . . . (SSB 5141), Laws of 1995), or upon receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or upon receipt of a notice of conviction of RCW 46.61.502 or 46.61.504, the department of licensing shall order the person to surrender any Washington state driver's license that may be in his or her possession. The department shall revoke the license, permit, or privilege to drive of any person who fails to surrender it as required by this section for one year, unless the license has been previously surrendered to the department, a law enforcement officer, or a court, or the person has completed an affidavit of lost, stolen, destroyed, or previously surrendered license, such revocation to take effect thirty days after notice is given of the requirement for license surrender.

(2) The department shall place a person's driving privilege in probationary status as required by RCW 10.05.060 ~~((or))~~, 46.20.308, or 46.61.— (section 5, chapter . . . (SSB 5141), Laws of 1995) for a period of five years from the date the probationary status is required to go into effect.

(3) Following receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or following receipt of a sworn report under RCW 46.20.308 that requires immediate placement in probationary status under RCW 46.20.—(2)(a) (section 3(2)(a), chapter . . . (SSB 5141), Laws of 1995), or upon reinstatement or reissuance of a driver's license suspended or revoked as the result of a conviction of RCW 46.61.502 or 46.61.504, the department shall require the person to obtain a probationary license in order to operate a motor vehicle in the state of Washington, except as otherwise exempt under RCW 46.20.025. The department shall not issue the probationary license unless the person is otherwise qualified for licensing, and the person must renew the probationary license on the same cycle as the person's regular license would have been renewed until the expiration of the five-year probationary status period imposed under subsection (2) of this section.

(4) For each original issue or renewal of a probationary license under this section, the department shall charge a fee of fifty dollars in addition to any other licensing fees required. Except for when renewing a probationary license, the department shall waive the fifty-dollar fee if the person has a probationary license in his or her possession at the time a new probationary license is required.

(5) A probationary license shall enable the department and law enforcement personnel to determine that the person is on probationary status. The fact that a person's driving privilege is in probationary status or that the person has been issued a probationary license shall not be a part of the person's record that is available to insurance companies.

**Sec. 2.** RCW 46.61.— and 1995 c . . . (SSB 5141) s 5 are each amended to read as follows:

(1) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within five years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of ninety days. The period of license, permit, or privilege suspension may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall suspend the offender's license, permit, or privilege; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than one year. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of one hundred twenty days. The period of license, permit, or privilege suspension may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall suspend the offender's license, permit, or privilege.

(2) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within five years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than one year. Thirty days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of one year. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than one year. Forty-five days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of four hundred fifty days. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege.

(3) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or more prior offenses within five years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than one year. Ninety days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of two years. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than one year. One hundred twenty days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of three years. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege.

(4) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property.

(5) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(6) After expiration of any period of suspension or revocation of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(7)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding two years. The court shall impose conditions of probation



that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a) (i) and (ii) or (a) (i) and (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

~~((7))~~ (8)(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(v) An out-of-state conviction for a violation that would have been a violation of (a) (i), (ii), (iii), or (iv) of this subsection if committed in this state; or

(vi) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance.

(b) "Within five years" means that the arrest for a prior offense occurred within five years of the arrest for the current offense.

NEW SECTION. Sec. 3. This act shall take effect September 1, 1995.

Passed the Senate May 23, 1995.

Passed the House May 19, 1995.

Approved by the Governor June 14, 1995.

Filed in Office of Secretary of State June 14, 1995.

## CHAPTER 18

[Engrossed Second Substitute House Bill 1908]

### LONG-TERM CARE

AN ACT Relating to long-term care; amending RCW 74.39.005, 74.39.040, 74.39A.010, 70.128.007, 70.128.057, 70.128.070, 70.128.080, 70.128.090, 70.128.140, 70.128.150, 70.128.160, 70.128.175, 43.190.020, 43.190.060, 74.08.545, 74.09.520, 74.08.550, 74.08.570, 18.51.091, 18.51.140, 18.51.300, 18.79.040, 18.79.260, 18.88A.030, 11.40.010, 11.42.020, 11.62.010, 11.28.120, 18.39.250, 18.39.255, 74.42.450, 68.46.050, 70.129.040, 43.20B.080, 74.42.020, 74.46.450, 70.38.111, 70.38.115, 70.38.125, 48.85.010, 48.85.020, 48.85.030, 48.85.040, 48.85.050, 74.09.585, 74.34.010, 74.34.100, 74.34.020, 74.34.070, 74.34.030, 74.46.020, 74.46.105, 74.46.115, 74.46.160, 74.46.170, 74.46.180, 74.46.190, 74.46.410, 74.46.420, 74.46.430, 74.46.450, 74.46.460, 74.46.470, 74.46.481, 74.46.490, 74.46.500, 74.46.505, 74.46.510, 74.46.530, 74.46.560, 74.46.570, 74.46.640, 74.46.690, 74.46.770, 74.46.780, and 70.128.120; amending 1995 c 260 s 12 (uncodified); adding new sections to chapter 74.39A RCW; adding new sections to chapter 70.41 RCW; adding new sections to chapter 74.42 RCW; adding a new section to chapter 18.20 RCW; adding new sections to chapter 70.128 RCW; adding new sections to chapter 18.88A RCW; adding new sections to chapter 74.46 RCW; adding new sections to chapter 74.34 RCW; creating new sections; recodifying RCW 74.08.530, 74.08.560, 74.08.570, 74.08.545, 74.08.550, and 74.34.100; repealing RCW 70.128.180, 74.08.541, 74.46.420, 74.46.430, 74.46.440, 74.46.450, 74.46.460, 74.46.465, 74.46.470, 74.46.481, 74.46.490, 74.46.500, 74.46.505, 74.46.510, 74.46.530, 74.46.540, 74.46.550, 74.46.560, 74.46.570, 74.46.580, and 74.46.590; prescribing penalties; providing an effective date; and declaring an emergency.

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

**NEW SECTION.** Sec. 1. A new section is added to chapter 74.39A RCW to read as follows:

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

(1) "Adult family home" means a facility licensed under chapter 70.128 RCW.

(2) "Adult residential care" means personal care services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under section 15 of this act.

(3) "Aging and adult services administration" means the aging and adult services administration of the department.

(4) "Assisted living services" means services provided by a boarding home that has a contract with the department under RCW 74.39A.010 and the resident is housed in a private apartment-like unit.

(5) "Boarding home" means a facility licensed under chapter 18.20 RCW.

(6) "Cost-effective care" means care provided in a setting of an individual's choice that is necessary to promote the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice, in an environment that is appropriate to the care and safety needs of the individual, and such care cannot be provided at a lower cost in any other setting. But this

in no way precludes an individual from choosing a different residential setting to achieve his or her desired quality of life.

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

(8) "Home and community services" means assisted living services, enhanced adult residential care, adult residential care, adult family homes, in-home services, and other services administered by the aging and adult services administration of the department directly or through contract with area agencies on aging.

(9) "Long-term care services" means the services administered directly or through contract by the aging and adult services administration of the department, including but not limited to nursing facility care and home and community services.

(10) "Enhanced adult residential care" means personal care services and limited nursing services, as defined by the department of health in rule, which services are provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under section 15 of this act.

(11) "Nursing facility" means a nursing facility as defined in section 1919(a) of the federal social security act and regulations adopted thereunder.

(12) "Nursing home" means a facility licensed under chapter 18.51 RCW.

(13) "Tribally licensed boarding home" means a boarding home licensed by a federally recognized Indian tribe which home provides services similar to boarding homes licensed under chapter 18.20 RCW.

**NEW SECTION.** Sec. 2. A new section is added to chapter 74.39A RCW to read as follows:

(1) To the extent of available funding, the department shall expand cost-effective options for home and community services for consumers for whom the state participates in the cost of their care.

(2) In expanding home and community services, the department shall: (a) Take full advantage of federal funding available under Title XVIII and Title XIX of the federal social security act, including home health, adult day care, waiver options, and state plan services; and (b) be authorized to use funds available under its community options program entry system waiver granted under section 1915(c) of the federal social security act to expand the availability of in-home, adult residential care, adult family homes, enhanced adult residential care, and assisted living services. By June 30, 1997, the department shall undertake to reduce the nursing home medicaid census by at least one thousand six hundred by assisting individuals who would otherwise require nursing facility services to obtain services of their choice, including assisted living services, enhanced adult residential care, and other home and community services. If a resident, or his or her legal representative, objects to a discharge decision initiated by the department, the resident shall not be discharged if the resident has been assessed and determined to require nursing facility services. In contracting with nursing homes and boarding homes for enhanced adult residential care placements, the

department shall not require, by contract or through other means, structural modifications to existing building construction.

(3)(a) The department shall by rule establish payment rates for home and community services that support the provision of cost-effective care.

(b) The department may authorize an enhanced adult residential care rate for nursing homes that temporarily or permanently convert their bed use for the purpose of providing enhanced adult residential care under chapter 70.38 RCW, when the department determines that payment of an enhanced rate is cost-effective and necessary to foster expansion of contracted enhanced adult residential care services. As an incentive for nursing homes to permanently convert a portion of its nursing home bed capacity for the purpose of providing enhanced adult residential care, the department may authorize a supplemental add-on to the enhanced adult residential care rate.

(c) The department may authorize a supplemental assisted living services rate for up to four years for facilities that convert from nursing home use and do not retain rights to the converted nursing home beds under chapter 70.38 RCW, if the department determines that payment of a supplemental rate is cost-effective and necessary to foster expansion of contracted assisted living services.

NEW SECTION. Sec. 3. A new section is added to chapter 70.41 RCW to read as follows:

(1)(a) The department of social and health services, in consultation with hospitals and acute care facilities, shall promote the most appropriate and cost-effective use of long-term care services by developing and distributing to hospitals and other appropriate health care settings information on the various chronic long-term care programs that it administers directly or through contract. The information developed by the department of social and health services shall, at a minimum, include the following:

(i) An identification and detailed description of each long-term care service available in the state;

(ii) Functional, cognitive, and medicaid eligibility criteria that may be required for placement or admission to each long-term care service; and

(iii) A long-term care services resource manual for each hospital, that identifies the long-term care services operating within each hospital's patient service area. The long-term care services resource manual shall, at a minimum, identify the name, address, and telephone number of each entity known to be providing long-term care services; a brief description of the programs or services provided by each of the identified entities; and the name or names of a person or persons who may be contacted for further information or assistance in accessing the programs or services at each of the identified entities.

(b) The information required in (a) of this subsection shall be periodically updated and distributed to hospitals by the department of social and health services so that the information reflects current long-term care service options available within each hospital's patient service area.

(2) To the extent that a patient will have continuing care needs, once discharged from the hospital setting, hospitals shall, during the course of the patient's hospital stay, promote each patient's family member's and/or legal representative's understanding of available long-term care service discharge options by, at a minimum:

(a) Discussing the various and relevant long-term care services available, including eligibility criteria;

(b) Making available, to patients, their family members, and/or legal representative, a copy of the most current long-term care services resource manual;

(c) Responding to long-term care questions posed by patients, their family members, and/or legal representative;

(d) Assisting the patient, their family members, and/or legal representative in contacting appropriate persons or entities to respond to the question or questions posed; and

(e) Linking the patient and family to the local, state-designated aging and long-term care network to ensure effective transitions to appropriate levels of care and ongoing support.

**NEW SECTION.** Sec. 4. A new section is added to chapter 70.41 RCW to read as follows:

"Cost-effective care" and "long-term care services," where used in sections 3 and 5 of this act, shall have the same meaning as that given in section 1 of this act.

**NEW SECTION.** Sec. 5. A new section is added to chapter 70.41 RCW to read as follows:

(I) Hospitals and acute care facilities shall:

(a) Work cooperatively with the department of social and health services, area agencies on aging, and local long-term care information and assistance organizations in the planning and implementation of patient discharges to long-term care services.

(b) Establish and maintain a system for discharge planning and designate a person responsible for system management and implementation.

(c) Establish written policies and procedures to:

(i) Identify patients needing further nursing, therapy, or supportive care following discharge from the hospital;

(ii) Develop a documented discharge plan for each identified patient, including relevant patient history, specific care requirements, and date such follow-up care is to be initiated;

(iii) Coordinate with patient, family, caregiver, and appropriate members of the health care team;

(iv) Provide any patient, regardless of income status, written information and verbal consultation regarding the array of long-term care options available in the

community, including the relative cost, eligibility criteria, location, and contact persons;

(v) Promote an informed choice of long-term care services on the part of patients, family members, and legal representatives; and

(vi) Coordinate with the department and specialized case management agencies, including area agencies on aging and other appropriate long-term care providers, as necessary, to ensure timely transition to appropriate home, community residential, or nursing facility care.

(d) Work in cooperation with the department which is responsible for ensuring that patients eligible for medicaid long-term care receive prompt assessment and appropriate service authorization.

(2) In partnership with selected hospitals, the department of social and health services shall develop and implement pilot projects in up to three areas of the state with the goal of providing information about appropriate in-home and community services to individuals and their families early during the individual's hospital stay.

The department shall not delay hospital discharges but shall assist and support the activities of hospital discharge planners. The department also shall coordinate with home health and hospice agencies whenever appropriate. The role of the department is to assist the hospital and to assist patients and their families in making informed choices by providing information regarding home and community options.

The department shall by December 12, 1995, report to the house of representatives health care committee and the senate health and long-term care committee regarding the progress and results of the pilot projects along with recommendations regarding continuation or modification of the pilot projects.

In conducting the pilot projects, the department shall:

(a) Assess and offer information regarding appropriate in-home and community services to individuals who are medicaid clients or applicants; and

(b) Offer assessment and information regarding appropriate in-home and community services to individuals who are reasonably expected to become medicaid recipients within one hundred eighty days of admission to a nursing facility.

NEW SECTION. Sec. 6. A new section is added to chapter 74.39A RCW to read as follows:

The department shall work in partnership with hospitals in assisting patients and their families to find long-term care services of their choice. The department shall not delay hospital discharges but shall assist and support the activities of hospital discharge planners. The department also shall coordinate with home health and hospice agencies whenever appropriate. The role of the department is to assist the hospital and to assist patients and their families in making informed choices by providing information regarding home and community options to individuals who are hospitalized and likely to need long-term care.

(1) To the extent of available funds, the department shall assess individuals who:

(a) Are medicaid clients, medicaid applicants, or eligible for both medicare and medicaid; and

(b) Apply or are likely to apply for admission to a nursing facility.

(2) For individuals who are reasonably expected to become medicaid recipients within one hundred eighty days of admission to a nursing facility, the department shall, to the extent of available funds, offer an assessment and information regarding appropriate in-home and community services.

(3) When the department finds, based on assessment, that the individual prefers and could live appropriately and cost-effectively at home or in some other community-based setting, the department shall:

(a) Advise the individual that an in-home or other community service is appropriate;

(b) Develop, with the individual or the individual's representative, a comprehensive community service plan;

(c) Inform the individual regarding the availability of services that could meet the applicant's needs as set forth in the community service plan and explain the cost to the applicant of the available in-home and community services relative to nursing facility care; and

(d) Discuss and evaluate the need for on-going involvement with the individual or the individual's representative.

(4) When the department finds, based on assessment, that the individual prefers and needs nursing facility care, the department shall:

(a) Advise the individual that nursing facility care is appropriate and inform the individual of the available nursing facility vacancies;

(b) If appropriate, advise the individual that the stay in the nursing facility may be short term; and

(c) Describe the role of the department in providing nursing facility case management.

**NEW SECTION.** Sec. 7. A new section is added to chapter 74.42 RCW to read as follows:

A nursing facility shall not admit any individual who is medicaid eligible unless that individual has been assessed by the department. Appropriate hospital discharge shall not be delayed pending the assessment.

To ensure timely hospital discharge of medicaid eligible persons, the date of the request for a department long-term care assessment, or the date that nursing home care actually begins, whichever is later, shall be deemed the effective date of the initial service and payment authorization. The department shall respond promptly to such requests.

A nursing facility admitting an individual without a request for a department assessment shall not be reimbursed by the department and shall not be allowed to collect payment from a medicaid eligible individual for any care rendered before the date the facility makes a request to the department for an assessment.

The date on which a nursing facility makes a request for a department long-term care assessment, or the date that nursing home care actually begins, whichever is later, shall be deemed the effective date of initial service and payment authorization for admissions regardless of the source of referral.

A medicaid eligible individual residing in a nursing facility who is transferred to an acute care hospital shall not be required to have a department assessment under this section prior to returning to the same or another nursing facility.

**NEW SECTION.** **Sec. 8.** A new section is added to chapter 74.42 RCW to read as follows:

If a nursing facility has reason to know that a resident is likely to become financially eligible for medicaid benefits within one hundred eighty days, the nursing facility shall notify the patient or his or her representative and the department. The department may:

- (1) Assess any such resident to determine if the resident prefers and could live appropriately at home or in some other community-based setting; and
- (2) Provide case management services to the resident.

**NEW SECTION.** **Sec. 9.** A new section is added to chapter 74.42 RCW to read as follows:

(1) To the extent of available funding, the department shall provide case management services to assist nursing facility residents, in conjunction and partnership with nursing facility staff. The purpose of the case management services is to assist residents and their families to assess the appropriateness and availability of home and community services that could meet the resident's needs so that the resident and family can make informed choices.

(2) To the extent of available funding, the department shall provide case management services to nursing facility residents who are:

- (a) Medicaid funded;
- (b) Dually medicaid and medicare eligible;
- (c) Medicaid applicants; and
- (d) Likely to become financially eligible for medicaid within one hundred eighty days, pursuant to section 8 of this act.

**Sec. 10.** RCW 74.39.005 and 1989 c 427 s 2 are each amended to read as follows:

The purpose of this chapter is to:

(1) Establish a balanced range of (~~community-based~~) health, social, and supportive services that deliver long-term care services to chronically, functionally disabled persons of all ages;

(2) Ensure that functional (~~disability~~) ability shall be the determining factor in defining long-term care service needs and that these needs will be determined by a uniform system for comprehensively assessing functional disability;

(3) Ensure that services are provided in the most independent living situation consistent with individual needs;



(4) Ensure that long-term care service options shall be developed and made available that enable functionally disabled persons to continue to live in their homes or other community residential facilities while in the care of their families or other volunteer support persons;

(5) Ensure that long-term care services are coordinated in a way that minimizes administrative cost, eliminates unnecessarily complex organization, minimizes program and service duplication, and maximizes the use of financial resources in directly meeting the needs of persons with functional limitations;

(6) Develop a systematic plan for the coordination, planning, budgeting, and administration of long-term care services now fragmented between the division of developmental disabilities, division of mental health, aging and adult services administration, division of children and family services, division of vocational rehabilitation, office on AIDS, division of health, and bureau of alcohol and substance abuse;

(7) Encourage the development of a state-wide long-term care case management system that effectively coordinates the plan of care and services provided to eligible clients;

(8) Ensure that individuals and organizations affected by or interested in long-term care programs have an opportunity to participate in identification of needs and priorities, policy development, planning, and development, implementation, and monitoring of state supported long-term care programs;

(9) Support educational institutions in Washington state to assist in the procurement of federal support for expanded research and training in long-term care; and

(10) Facilitate the development of a coordinated system of long-term care education that is clearly articulated between all levels of higher education and reflective of both in-home care needs and institutional care needs of functionally disabled persons.

*\*Sec. 11. RCW 74.39.040 and 1989 c 427 s 13 are each amended to read as follows:*

~~*((1) A long-term care commission is created. It shall consist of:*~~

~~*(a) Four legislators who shall serve on the executive committee, one from each of the two largest caucuses in the house of representatives and the senate who shall be selected by the president of the senate and the speaker of the house of representatives;*~~

~~*(b) Six members, to be selected by the executive committee, who shall be authorities in gerontology, developmental disabilities, neurological impairments, physical disabilities, mental illness, nursing, long-term care service delivery, long-term care service financing, systems development, or systems analysis;*~~

~~*(c) Three members, to be selected by the executive committee, who represent long-term care consumers, services providers, or advocates;*~~

~~*(d) Two members, to be selected by the executive committee, who represent county government;*~~

~~(e) One member, to be selected by the secretary of social and health services, to represent the department of social and health services long-term care programs, including at least developmental disabilities, mental health, aging and adult services, AIDS, children's services, alcohol and substance abuse, and vocational rehabilitation; and~~

~~(f) Two members, to represent the governor, who shall serve on the executive committee.~~

~~The legislative members shall select a chair from the membership of the commission.~~

~~The commission shall be staffed, to the extent possible, by staff from the appropriate senate and house of representatives committees.~~

~~The commission may form technical advisory committees to assist it with any particular matters deemed necessary by the commission.~~

~~The commission and technical advisory committee members shall receive no compensation, but except for publicly funded agency staff, shall, to the extent funds are available, be reimbursed for their expenses while attending any meetings in the same manner as legislators engaged in interim committee business as specified in RCW 41.04.120.~~

~~The commission may receive appropriations, grants, gifts, and other payments from any governmental or other public or private entity or person which it may use to defray the cost of its operations or to contract for technical assistance, with the approval of the senate committee on facilities and operations and the house of representatives executive rules committee.~~

~~(2) The long-term care commission shall develop legislation and recommend administrative actions necessary to achieve the following long-term care reforms:~~

~~(a) The systematic coordination, planning, budgeting, and administration of long-term care services currently administered by the department of social and health services, division of developmental disabilities, aging and adult services administration, division of vocational rehabilitation, office on AIDS, division of health, and the bureau of alcohol and substance abuse;~~

~~(b)) The legislature finds the intent of the 1989 legislature to reform statutory provisions of long-term care for persons of all ages with chronic functional disability, although not enacted, continues to be applicable. The need to streamline the current bureaucratic fragmentation of chronic health services for the person with functional disabilities and facilitate the development of client centered, accessible, high quality, cost-effective, and appropriate long-term care services options for persons with functional disabilities is even more pressing today. The legislature further finds that if we are going to meet the significant and growing chronic care needs in the next two decades, rapid fundamental changes will need to take place in the way we finance, organize, and provide long-term care services to the functionally disabled. The public demands, and it is the intent of the legislature to reduce the cost and size of~~

government and provide efficient and effective public service to the persons most impaired by chronic functional disability.

To realize the need for a cost-effective, uniform, and fully integrated long-term care system while simultaneously reducing the size and cost of government, the legislative budget committee, in coordination with the Washington health care policy board, shall develop a working plan for long-term care reform, including recommendations and statutory changes, by December 12, 1995, to accomplish the following:

(1) Reorganize and consolidate, on a noncategorical basis, all disease or age-specific (categorical) organizational entities of state administration and their regional elements pertaining to chronic care services to persons with functional mental and physical disabilities, including but not limited to: In the department of social and health services: Health and rehabilitative services and aging and adult services; in the department of health: Aids chronic care and boarding homes; the department of services to the blind; in the department of veterans affairs: Nursing facilities; and in all other state agencies that provide chronic long-term health care services;

(2) Implement a streamlined client centered administrative and delivery system for long-term care services state-wide that incorporates all long-term care services for the person with functional disabilities to include the functionally disabled, developmentally disabled, mentally ill, traumatically brain injured, and others with chronic functional disabilities. The system shall be a single point entry system administered at the local level that allows the person with functional disabilities to obtain needs determination, eligibility screening, priority setting, and services information and assistance. The system shall be designed so that acute health care services are effectively coordinated with long-term care services. The system shall recognize and respect the individuality and dignity of all functionally disabled individuals and promote self-reliance and the preference for the assistance and comfort provided by families, friends, and community volunteers. It shall also recognize the importance of community organizations and the public and private infrastructure in the delivery of care and support. All major points of access into the long-term care system shall be identified and integrated into the system to insure that clients are fully informed of the most appropriate least expensive care options;

(3) Provision of long-term care services to persons based on their functional disabilities noncategorically and in the most independent living situation consistent with the person's needs and preferences;

((e)) (4) A consistent definition of appropriate roles and responsibilities for state and local government, regional organizations, and private organizations in the planning, administration, financing, and delivery of long-term care services;

~~((#))~~ (5) Technical assistance to enable local communities to have greater participation and control in the planning, administration, and provision of long-term care services;

~~((#))~~ (6) A case management system that coordinates an appropriate and cost-effective plan of care and services for eligible functionally disabled persons based on their individual needs and preferences;

~~((#))~~ (7) A sufficient supply of quality institutional and noninstitutional residential alternatives for functionally disabled persons, and supports for the providers of such services;

~~((#))~~ (8) Public and private alternative funding for long-term care services, ~~((such as federal Title XIX funding of personal care services through the limited-casualty program for the medically needy and other optional services)) that includes the promotion of affordable stand alone long-term care insurance options or as part of overall health care insurance benefits, a uniform fee copayment scale for client participation in state-funded, long-term care programs, and private, long-term care insurance;~~

~~((#))~~ (9) A systematic and balanced long-term care services payment and reimbursement system, including a case mix nursing home reimbursement, that will provide access to needed services while controlling the rate of cost increases for such services;

~~((#))~~ (10) Active involvement of volunteers and advocacy groups;

~~((#))~~ (11) An integrated data base that provides long-term care client tracking;

~~((#))~~ (12) A coordinated education system for long-term care to insure client safety and quality of services; ~~(and~~

(#)) (13) Administratively separate the nonmeans tested economic and social welfare and advocacy programs of the older Americans act, 42 U.S.C. Chap 35 and 45 C.F.R. 1321 et seq. from the need and means tested programs for persons with functional disabilities;

(14) Review all activities mandated and expenditures authorized by the senior citizens services act, chapter 74.38 RCW; and identify which funds are being used for functionally disabled seniors and identify how these senior citizens services act funds can be directed to programs serving the most disabled elderly; and

(15) Other issues deemed appropriate by the ~~((implementation team)) joint committee on health systems oversight.~~

The ~~((commission))~~ legislative budget committee shall report to the legislature with its findings, recommendations, and proposed legislation by December ~~((1, 1990)) 12, 1995.~~

\*Sec. 11 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 12. A new section is added to chapter 74.39A RCW to read as follows:

The department's system of quality improvement for long-term care services shall be guided by the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be consumer centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers.

(2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers.

(3) Providers should be supported in their efforts to improve quality through training, technical assistance, and case management.

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to consumer complaints.

(6) Providers generally should be assisted in addressing identified problems initially through consultation and technical assistance. Enforcement remedies shall be available for problems that are serious, recurring, or that have been uncorrected.

**NEW SECTION. Sec. 13.** A new section is added to chapter 74.39A RCW to read as follows:

(1) The aging and adult services administration of the department shall establish and maintain a toll-free telephone number for receiving complaints regarding a facility that the administration licenses or with which it contracts for long-term care services.

(2) All facilities that are licensed by, or that contract with the aging and adult services administration to provide long-term care services shall post in a place and manner clearly visible to residents and visitors the department's toll-free complaint telephone number.

(3) The aging and adult services administration shall investigate complaints if the subject of the complaint is within its authority unless the department determines that: (a) The complaint is intended to willfully harass a licensee or employee of the licensee; (b) there is no reasonable basis for investigation; or (c) corrective action has been taken.

(4) The aging and adult services administration shall refer complaints to appropriate state agencies, law enforcement agencies, the attorney general, the long-term care ombudsman, or other entities if the department lacks authority to investigate.

(5) The department may not provide the substance of the complaint to the licensee or contractor before the completion of the investigation by the department. Neither the substance of the complaint provided to the licensee or contractor nor any copy of the complaint or related report published, released, or made otherwise available shall disclose the name, title, or identity of any complainant, or other person mentioned in the complaint, except that the department may disclose the identity of the complainant if such disclosure is requested in writing by the complainant.

(6) A facility that provides long-term care services shall not discriminate or retaliate in any manner against a resident on the basis or for the reason that such resident or any other person made a complaint to the department or the long-term care ombudsman or cooperated with the investigation of such a complaint. The department may impose a civil penalty of not more than three thousand dollars for a violation of this subsection and require the facility to mitigate any damages incurred by the resident.

**Sec. 14.** RCW 74.39A.010 and 1993 c 508 s 3 are each amended to read as follows:

(1) To the extent of available funding, the department of social and health services may contract with licensed boarding homes under chapter 18.20 RCW and tribally licensed boarding homes for assisted living services and enhanced adult residential care. The department shall develop rules for facilities that contract with the department for assisted living services or enhanced adult residential care to establish:

(a) Facility service standards consistent with the principles in section 12 of this act and consistent with chapter 70.129 RCW;

(b) Standards for resident living areas consistent with section 2 of this act;

(c) Training requirements for providers and their staff.

(2) The department's rules shall provide that ~~((ensure that the contracted))~~ services in assisted living and enhanced adult residential care:

~~((1))~~ (a) Recognize individual needs, privacy, and autonomy;

~~((2))~~ (b) Include, but not be limited to, personal care, nursing services, medication administration, and supportive services that promote independence and self-sufficiency;

~~((3))~~ (c) Are of sufficient scope to assure that each resident who chooses to remain in the assisted living or enhanced adult residential care may do so, ~~((unless nursing care needs exceed the level of care defined by the department))~~ to the extent that the care provided continues to be cost-effective and safe and promote the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice;

~~((4))~~ (d) Are directed first to those persons most likely, in the absence of enhanced adult residential care or assisted living services, to need hospital, nursing facility, or other out-of-home placement; and

~~((5))~~ (e) Are provided in compliance with applicable ~~((department of health))~~ facility and professional licensing laws and rules.

(3) When a facility contracts with the department for assisted living services or enhanced adult residential care, only services and facility standards that are provided to or in behalf of the assisted living services or enhanced adult residential care client shall be subject to the department's rules.

**NEW SECTION.** **Sec. 15.** A new section is added to chapter 74.39A RCW to read as follows:

(1) To the extent of available funding, the department of social and health services may contract for adult residential care and enhanced adult residential care.

(2) The department shall, by rule, develop terms and conditions for facilities that contract with the department for adult residential care and enhanced adult residential care to establish:

(a) Facility service standards consistent with the principles in section 12 of this act and consistent with chapter 70.129 RCW; and

(b) Training requirements for providers and their staff.

(3) The department shall, by rule, provide that services in adult residential care and enhanced adult residential care facilities:

(a) Recognize individual needs, privacy, and autonomy;

(b) Include personal care and limited nursing services and other services that promote independence and self-sufficiency and aging in place;

(c) Are directed first to those persons most likely, in the absence of adult residential care and enhanced adult residential care services, to need hospital, nursing facility, or other out-of-home placement; and

(d) Are provided in compliance with applicable facility and professional licensing laws and rules.

(4) When a facility contracts with the department for adult residential care and enhanced adult residential care, only services and facility standards that are provided to or in behalf of the adult residential care or the enhanced adult residential care client shall be subject to the adult residential care or enhanced adult residential care rules.

(5) To the extent of available funding, the department may also contract under this section with a tribally licensed boarding home for the provision of services of the same nature as the services provided by adult residential care facilities. The provisions of subsections (2) (a) and (b) and (3) (a) through (d) of this section apply to such a contract.

**NEW SECTION.** Sec. 16. A new section is added to chapter 74.39A RCW to read as follows:

(1) The department shall, by rule, establish reasonable minimum qualifications and training requirements to assure that assisted living service, enhanced adult residential care service, and adult residential care providers with whom the department contracts are capable of providing services consistent with this chapter. The rules shall apply only to residential capacity for which the state contracts.

(2) The department shall not contract for assisted living, enhanced adult residential care, or adult residential care services with a provider if the department finds that the provider or any partner, officer, director, managerial employee, or owner of five percent or more of the provider has a history of significant noncompliance with federal or state regulations, rules, or laws in providing care or services to vulnerable adults or to children.

NEW SECTION. Sec. 17. A new section is added to chapter 74.39A RCW to read as follows:

(1) The department is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that a provider of assisted living services or enhanced adult residential care services has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions:

(a) Refuse to issue a contract;

(b) Impose reasonable conditions on a contract, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(c) Impose civil penalties of not more than one hundred dollars per day per violation;

(d) Suspend, revoke, or refuse to renew a contract; or

(e) Suspend admissions to the facility by imposing stop placement on contracted services.

(3) When the department orders stop placement, the facility shall not admit any person admitted by contract until the stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement. The department shall terminate the stop placement when: (a) The violations necessitating the stop placement have been corrected; and (b) the provider exhibits the capacity to maintain adequate care and service.

(4) Chapter 34.05 RCW applies to department actions under this section, except that orders of the department imposing contracts suspension, stop placement, or conditions for continuation of a contract are effective immediately upon notice and shall continue pending any hearing.

NEW SECTION. Sec. 18. A new section is added to chapter 18.20 RCW to read as follows:

(1) The department of health is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that a boarding home provider has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated a boarding home without a license or under a revoked license;



(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions:

(a) Refuse to issue a license;

(b) Impose reasonable conditions on a license, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(c) Impose civil penalties of not more than one hundred dollars per day per violation;

(d) Suspend, revoke, or refuse to renew a license; or

(e) Suspend admissions to the boarding home by imposing stop placement.

(3) When the department orders stop placement, the facility shall not admit any new resident until the stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement. The department shall terminate the stop placement when: (a) The violations necessitating the stop placement have been corrected; and (b) the provider exhibits the capacity to maintain adequate care and service.

(4) Chapter 34.05 RCW applies to department actions under this section, except that orders of the department imposing license suspension, stop placement, or conditions for continuation of a license are effective immediately upon notice and shall continue pending any hearing.

**Sec. 19.** RCW 70.128.007 and 1989 c 427 s 15 are each amended to read as follows:

The purposes of this chapter are to:

(1) Encourage the establishment and maintenance of adult family homes that provide a humane, safe, and homelike environment for persons with functional limitations who need personal and special care;

(2) Establish standards for regulating adult family homes that adequately protect residents(~~(-but are consistent with the abilities and resources of an adult family home so as not to discourage individuals from serving as adult family home providers; and))~~);

(3) Encourage consumers, families, providers, and the public to become active in assuring their full participation in development of adult family homes that provide high quality and cost-effective care;

(4) Provide for appropriate care of residents in adult family homes by requiring that each resident have a care plan that promotes the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice; and

(5) Accord each resident the right to participate in the development of the care plan and in other major decisions involving the resident and their care.

**Sec. 20.** RCW 70.128.057 and 1991 c 40 s 2 are each amended to read as follows:

Notwithstanding the existence or use of any other remedy, the department may, in the manner provided by law, upon the advice of the attorney general who shall represent the department in the proceedings, maintain an action in the name of the state for an injunction, civil penalty, or other process against a person to restrain or prevent the operation or maintenance of an adult family home without a license under this chapter.

**NEW SECTION. Sec. 21.** A new section is added to chapter 70.128 RCW to read as follows:

The legislature finds that the operation of an adult family home without a license in violation of this chapter is a matter vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Operation of an adult family home without a license in violation of this chapter is not reasonable in relation to the development and preservation of business. Such a violation is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

**Sec. 22.** RCW 70.128.070 and 1989 c 427 s 22 are each amended to read as follows:

(1) A license shall be valid for one year.

(2) At least ~~((ninety))~~ sixty days prior to expiration of the license, the provider shall submit an application for renewal of a license. The department shall send the provider an application for renewal prior to this time. The department shall have the authority to investigate any information included in the application for renewal of a license.

(3)(a) Homes applying for a license shall be inspected at the time of licensure.

(b) Homes licensed by the department shall be inspected at least every eighteen months, subject to available funds.

(c) ~~((Licensed homes where a complaint has been received by the department may be inspected at any time.))~~ The department may make an unannounced inspection of a licensed home at any time to assure that the home and provider are in compliance with this chapter and the rules adopted under this chapter.

(4) If the department finds that the home is not in compliance with this chapter, it shall require the home to correct any violations as provided in this chapter. If the department finds that the home is in compliance with this chapter and the rules adopted under this chapter, the department shall renew the license of the home.

**Sec. 23.** RCW 70.128.080 and 1989 c 427 s 21 are each amended to read as follows:

An adult family home shall have readily available for review by the department, residents, and the public:

- (1) Its license to operate; and
- (2) A copy of each inspection report received by the home from the department for the past three years.

**Sec. 24.** RCW 70.128.090 and 1989 c 427 s 30 are each amended to read as follows:

(1) During inspections of an adult family home, the department shall have access and authority to examine areas and articles in the home used to provide care or support to residents, including residents' records, accounts, and the physical premises, including the buildings, grounds, and equipment. The department also shall have the authority to interview the provider and residents of an adult family home.

(2) Whenever an inspection is conducted, the department shall prepare a written report that summarizes all information obtained during the inspection, and if the home is in violation of this chapter, serve a copy of the inspection report upon the provider at the same time as a notice of violation. If the home is not in violation of this chapter, a copy of the inspection report shall be mailed to the provider within ten days of the inspection of the home. All inspection reports shall be made available to the public at the department during business hours.

~~(3) (The inspection report shall describe any corrective measures on the part of the provider necessary to pass a reinspection. If the department finds upon reinspection of the home that the corrective measures have been satisfactorily implemented, the department shall cease any actions taken against the home. Nothing in this section shall require the department to license or renew the license of a home where serious physical harm or death has occurred to a resident))~~ The provider shall develop corrective measures for any violations found by the department's inspection. The department may provide consultation and technical assistance to assist the provider in developing effective corrective measures. The department shall include a statement of the provider's corrective measures in the department's inspection report.

**NEW SECTION. Sec. 25.** A new section is added to chapter 70.128 RCW to read as follows:

The legislature recognizes that adult family homes located within the boundaries of a federally recognized Indian reservation may be licensed by the Indian tribe. The department may pay for care for persons residing in such homes, if there has been a tribal or state criminal background check of the provider and any staff, and the client is otherwise eligible for services administered by the department.

**Sec. 26.** RCW 70.128.140 and 1989 c 427 s 27 are each amended to read as follows:

Each adult family home shall meet applicable local licensing, zoning, building, and housing codes, and state and local fire safety regulations as they pertain to a single-family residence. It is the responsibility of the home to check with local authorities to ensure all local codes are met.

**Sec. 27.** RCW 70.128.150 and 1989 c 427 s 28 are each amended to read as follows:

Whenever possible adult family homes are encouraged to contact and work with local quality assurance projects such as the volunteer ombudsman with the goal of assuring high quality care is provided in the home.

An adult family home may not willfully interfere with a representative of the long-term care ombudsman program in the performance of official duties. The department shall impose a penalty of not more than one thousand dollars for any such willful interference.

**Sec. 28.** RCW 70.128.160 and 1989 c 427 s 31 are each amended to read as follows:

(1) The department is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that an adult family home provider has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated an adult family home without a license or under a revoked license;

(c) Knowingly or with reason to know made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions:

(a) Refuse to issue a license;

(b) Impose reasonable conditions on a license, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(c) Impose civil penalties of not more than one hundred dollars per day per violation;

(d) Suspend, revoke, or refuse to renew a license; or

~~((e))~~ (e) Suspend admissions to the adult family home by imposing stop placement.

(3) When the department orders stop placement, the facility shall not admit any person until the stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement. The department shall terminate the stop placement

when: (a) The violations necessitating the stop placement have been corrected; and (b) the provider exhibits the capacity to maintain adequate care and service.

(4) Chapter 34.05 RCW applies to department actions under this section, except that orders of the department imposing license suspension, stop placement, or conditions for continuation of a license are effective immediately upon notice and shall continue in effect pending any hearing.

**Sec. 29.** RCW 70.128.175 and 1989 1st ex.s. c 9 s 815 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, these definitions shall apply throughout this section and RCW 35.63.140, 35A.63.149, 36.70.755, 35.22.680, and 36.32.560(~~and 70.128.180~~):

(a) "Adult family home" means a (~~facility licensed pursuant to chapter 70.128 RCW or the~~) regular family abode of a person or persons (~~who are~~) providing personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

(b) "Residential care facility" means a facility that cares for at least five, but not more than fifteen functionally disabled persons, that is not licensed pursuant to chapter 70.128 RCW.

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

(2) An adult family home shall be considered a residential use of property for zoning purposes. Adult family homes shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single family dwellings.

**NEW SECTION.** **Sec. 30.** A new section is added to chapter 70.128 RCW to read as follows:

(1) The department shall maintain a toll-free telephone number for receiving complaints regarding adult family homes.

(2) An adult family home shall post in a place and manner clearly visible to residents and visitors the department's toll-free complaint telephone number.

(3) No adult family home shall discriminate or retaliate in any manner against a resident on the basis or for the reason that such resident or any other person made a complaint to the department or the long-term care ombudsman or cooperated with the investigation of such a complaint.

**NEW SECTION.** **Sec. 31.** RCW 70.128.180 and 1989 c 427 s 41 are each repealed.

**Sec. 32.** RCW 43.190.020 and 1991 sp.s. c 8 s 3 are each amended to read as follows:

As used in this chapter, "long-term care facility" means any of the following (~~which provide services to persons sixty years of age and older and is~~):

(1) A facility which:

(a) Maintains and operates twenty-four hour skilled nursing services for the care and treatment of chronically ill or convalescent patients, including mental, emotional, or behavioral problems, mental retardation, or alcoholism;

(b) Provides supportive, restorative, and preventive health services in conjunction with a socially oriented program to its residents, and which maintains and operates twenty-four hour services including board, room, personal care, and intermittent nursing care. "Long-term health care facility" includes nursing homes and nursing facilities, but does not include acute care hospital or other licensed facilities except for that distinct part of the hospital or facility which provides nursing facility services.

(2) Any family home, group care facility, or similar facility determined by the secretary, for twenty-four hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

(3) Any swing bed in an acute care facility.

**Sec. 33.** RCW 43.190.060 and 1987 c 158 s 3 are each amended to read as follows:

A long-term care ombudsman shall:

(1) Investigate and resolve complaints made by or on behalf of (~~elder individuals who are~~) residents of long-term care facilities relating to administrative action which may adversely affect the health, safety, welfare, and rights of these individuals;

(2) Monitor the development and implementation of federal, state, and local laws, rules, regulations, and policies with respect to long-term care facilities in this state;

(3) Provide information as appropriate to public agencies regarding the problems of individuals residing in long-term care facilities; and

(4) Provide for training volunteers and promoting the development of citizen organizations to participate in the ombudsman program. A volunteer long-term care ombudsman shall be able to identify and resolve problems regarding the care of residents in long-term care facilities and to assist such residents in the assertion of their civil and human rights. However, volunteers shall not be used for complaint investigations but may engage in fact-finding activities to determine whether a formal complaint should be submitted to the department.

NEW SECTION. **Sec. 34.** RCW 74.08.530, 74.08.560, 74.08.570, 74.08.545, and 74.08.550 are each recodified in chapter 74.39A RCW.

NEW SECTION. **Sec. 35.** RCW 74.08.541 and 1989 c 427 s 4, 1986 c 222 s 1, 1983 1st ex.s. c 41 s 39, & 1981 1st ex.s. c 6 s 17 are each repealed.

**Sec. 36.** RCW 74.08.545 and 1989 c 427 s 5 are each amended to read as follows:

It is the intent of the legislature that chore services be provided to eligible persons within the limits of funds appropriated for that purpose. Therefore, the department shall provide services only to those persons identified as at risk of

being placed in a long-term care facility in the absence of such services. The department shall not provide chore services to any individual who is eligible for, and whose needs can be met by another community service administered by the department. Chore services shall be provided to the extent necessary to maintain a safe and healthful living environment. It is the policy of the state to encourage the development of volunteer chore services in local communities as a means of meeting chore care service needs and directing financial resources. In determining eligibility for chore services, the department shall consider the following:

- (1) The kind of services needed;
- (2) The degree of service need, and the extent to which an individual is dependent upon such services to remain in his or her home or return to his or her home;
- (3) The availability of personal or community resources which may be utilized to meet the individual's need; and
- (4) Such other factors as the department considers necessary to insure service is provided only to those persons whose chore service needs cannot be met by relatives, friends, nonprofit organizations, ~~((or))~~ other persons, or by other programs or resources.

In determining the level of services to be provided under this chapter, ~~((the))~~ the client shall be assessed using an instrument designed by the department to determine the level of functional disability, the need for service and the person's risk of long-term care facility placement.

NEW SECTION. **Sec. 37.** A new section is added to chapter 74.39A RCW to read as follows:

(1) The department shall establish a monthly dollar lid for each region on chore services expenditures within the legislative appropriation. Priority for services shall be given to the following situations:

- (a) People who were receiving chore personal care services as of June 30, 1995;
- (b) People for whom chore personal care services are necessary to return to the community from a nursing home;
- (c) People for whom chore personal care services are necessary to prevent unnecessary nursing home placement; and
- (d) People for whom chore personal care services are necessary as a protective measure based on referrals resulting from an adult protective services investigation.

(2) The department shall require a client to participate in the cost of chore services as a necessary precondition to receiving chore services paid for by the state. The client shall retain an amount equal to one hundred percent of the federal poverty level, adjusted for household size, for maintenance needs. The department shall consider the remaining income as the client participation amount for chore services except for those persons whose participation is established under RCW 74.08.570.

(3) The department shall establish, by rule, the maximum amount of resources a person may retain and be eligible for chore services.

**NEW SECTION. Sec. 38.** A new section is added to chapter 74.39A RCW to read as follows:

(1) The legislature intends that any staff reassigned by the department as a result of shifting of the reauthorization responsibilities by contract outlined in this section shall be dedicated for discharge planning and assisting with discharge planning and information on existing discharge planning cases. Discharge planning, as directed in this section, is intended for residents and patients identified for discharge to long-term care pursuant to sections 5, 6, and 9 of this act. The purpose of discharge planning is to protect residents and patients from the financial incentives inherent in keeping residents or patients in a more expensive higher level of care and shall focus on care options that are in the best interest of the patient or resident.

(2) The department shall contract with area agencies on aging:

(a) To provide case management services to individuals receiving home and community services in their own home; and

(b) To reassess and reauthorize home and community services in home or in other settings for individuals consistent with the intent of this section:

(i) Who have been initially authorized by the department to receive home and community services; and

(ii) Who, at the time of reassessment and reauthorization, are receiving home and community services in their own home.

(3) In the event that an area agency on aging is unwilling to enter into or satisfactorily fulfill a contract to provide these services, the department is authorized to:

(a) Obtain the services through competitive bid; and

(b) Provide the services directly until a qualified contractor can be found.

**Sec. 39.** RCW 74.09.520 and 1994 c 21 s 4 are each amended to read as follows:

(1) The term "medical assistance" may include the following care and services: (a) Inpatient hospital services; (b) outpatient hospital services; (c) other laboratory and x-ray services; (d) nursing facility services; (e) physicians' services, which shall include prescribed medication and instruction on birth control devices; (f) medical care, or any other type of remedial care as may be established by the secretary; (g) home health care services; (h) private duty nursing services; (i) dental services; (j) physical and occupational therapy and related services; (k) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; (l) personal care services, as provided in this section; (m) hospice services; (n) other diagnostic, screening, preventive, and rehabilitative services; and (o) like services when furnished to a child by a school district in a manner consistent with the requirements of this



chapter. For the purposes of this section, the department may not cut off any prescription medications, oxygen supplies, respiratory services, or other life-sustaining medical services or supplies.

"Medical assistance," notwithstanding any other provision of law, shall not include routine foot care, or dental services delivered by any health care provider, that are not mandated by Title XIX of the social security act unless there is a specific appropriation for these services.

(2) The department shall amend the state plan for medical assistance under Title XIX of the federal social security act to include personal care services, as defined in 42 C.F.R. 440.170(f), in the categorically needy program.

(3) The department shall adopt, amend, or rescind such administrative rules as are necessary to ensure that Title XIX personal care services are provided to eligible persons in conformance with federal regulations.

(a) These administrative rules shall include financial eligibility indexed according to the requirements of the social security act providing for medicaid eligibility.

(b) The rules shall require clients be assessed as having a medical condition requiring assistance with personal care tasks. Plans of care must be (~~approved and~~) reviewed by a nurse.

(4) The department shall design and implement a means to assess the level of functional disability of persons eligible for personal care services under this section. The personal care services benefit shall be provided to the extent funding is available according to the assessed level of functional disability. Any reductions in services made necessary for funding reasons should be accomplished in a manner that assures that priority for maintaining services is given to persons with the greatest need as determined by the assessment of functional disability.

(5) The department shall report to the appropriate fiscal committees of the legislature on the utilization and associated costs of the personal care option under Title XIX of the federal social security act, as defined in 42 C.F.R. 440.170(f), in the categorically needy program. This report shall be submitted by January 1, 1990, and submitted on a yearly basis thereafter.

(6) Effective July 1, 1989, the department shall offer hospice services in accordance with available funds.

(7) For Title XIX personal care services administered by aging and adult services administration of the department, the department shall contract with area agencies on aging:

(a) To provide case management services to individuals receiving Title XIX personal care services in their own home; and

(b) To reassess and reauthorize Title XIX personal care services or other home and community services as defined in section 1 of this act in home or in other settings for individuals consistent with the intent of this section:

(i) Who have been initially authorized by the department to receive Title XIX personal care services or other home and community services as defined in section 1 of this act; and

(ii) Who, at the time of reassessment and reauthorization, are receiving such services in their own home.

(8) In the event that an area agency on aging is unwilling to enter into or satisfactorily fulfill a contract to provide these services, the department is authorized to:

(a) Obtain the services through competitive bid; and

(b) Provide the services directly until a qualified contractor can be found.

**Sec. 40.** RCW 74.08.550 and 1989 c 427 s 6 are each amended to read as follows:

(1) The department is authorized to develop a program to provide for ~~((these))~~ chore services ((enumerated in RCW 74.08.541)) under this chapter.

(2) The department may provide assistance in the recruiting of providers of the services enumerated in ~~((RCW 74.08.541))~~ section 37 of this act and seek to assure the timely provision of services in emergency situations.

(3) The department shall assure that all providers of the chore services ((enumerated in RCW 74.08.541)) under this chapter are compensated for the delivery of the services on a prompt and regular basis.

**Sec. 41.** RCW 74.08.570 and 1989 c 427 s 7 are each amended to read as follows:

(1) An otherwise eligible disabled person shall not be deemed ineligible for chore services under this chapter if the person's gross income from employment, adjusted downward by the cost of the chore services to be provided and the disabled person's work expenses, does not exceed the maximum eligibility standard established by the department for such chore services. The department shall establish a ~~((sliding scale fee schedule for))~~ methodology for client participation that allows such disabled persons~~((, taking into consideration the person's ability to pay and work expenses))~~ to be employed.

(2) If a disabled person arranges for chore services through an individual provider arrangement, the client's contribution shall be counted as first dollar toward the total amount owed to the provider for chore services rendered.

(3) As used in this section:

(a) "Gross income" means total earned wages, commissions, salary, and any bonus;

(b) "Work expenses" includes:

(i) Payroll deductions required by law or as a condition of employment, in amounts actually withheld;

(ii) The necessary cost of transportation to and from the place of employment by the most economical means, except rental cars; and

(iii) Expenses of employment necessary for continued employment, such as tools, materials, union dues, transportation to service customers if not furnished

by the employer, and uniforms and clothing needed on the job and not suitable for wear away from the job;

(c) "Employment" means any work activity for which a recipient receives monetary compensation;

(d) "Disabled" means:

(i) Permanently and totally disabled as defined by the department and as such definition is approved by the federal social security administration for federal matching funds;

(ii) Eighteen years of age or older;

(iii) A resident of the state of Washington; and

(iv) Willing to submit to such examinations as are deemed necessary by the department to establish the extent and nature of the disability.

**\*Sec. 42. RCW 18.51.091 and 1987 c 476 s 24 are each amended to read as follows:**

***The department shall make or cause to be made at least one inspection of each nursing home (~~prior to license renewal and shall inspect community-based services as part of the licensing renewal survey~~) at least every eighteen months, except that the department may not inspect a facility that was citation-free at the previous inspection sooner than twelve months after the date of the previous inspection. The inspection shall be made without providing advance notice of it. Every inspection may include an inspection of every part of the premises and an examination of all records, methods of administration, the general and special dietary and the stores and methods of supply. Those nursing homes that provide community-based care shall establish and maintain separate and distinct accounting and other essential records for the purpose of appropriately allocating costs of the providing of such care: PROVIDED, That such costs shall not be considered allowable costs for reimbursement purposes under chapter 74.46 RCW. Following such inspection or inspections, written notice of any violation of this law or the rules and regulations promulgated hereunder, shall be given the applicant or licensee and the department. The notice shall describe the reasons for the facility's noncompliance. The department may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.***

**\*Sec. 42 was vetoed. See message at end of chapter.**

**Sec. 43. RCW 18.51.140 and 1995 c . . . s 6 (Engrossed Substitute Senate Bill No. 5093) are each amended to read as follows:**

Standards for fire protection and the enforcement thereof, with respect to all nursing homes to be licensed hereunder, shall be the responsibility of the chief of the Washington state patrol, through the director of fire protection, who shall

adopt such recognized standards as may be applicable to nursing homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the chief of the Washington state patrol, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make an inspection of the nursing home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the chief of the Washington state patrol, through the director of fire protection, he or she shall promptly make a written report to the nursing home and the department as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, applicant or licensee shall notify the chief of the Washington state patrol, through the director of fire protection, upon completion of any requirements made by him or her, and the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the nursing home to be licensed meets with the approval of the chief of the Washington state patrol, through the director of fire protection, he or she shall submit to the department, a written report approving same with respect to fire protection before a full license can be issued. The chief of the Washington state patrol, through the director of fire protection, shall make or cause to be made inspections of such nursing homes at least (~~annually~~) every eighteen months.

In cities which have in force a comprehensive building code, the provisions of which are determined by the chief of the Washington state patrol, through the director of fire protection, to be equal to the minimum standards of the code for nursing homes adopted by the chief of the Washington state patrol, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the chief of the Washington state patrol, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued.

**Sec. 44.** RCW 18.51.300 and 1981 1st ex.s. c 2 s 24 are each amended to read as follows:

Unless specified otherwise by the department, a nursing home shall retain and preserve all records which relate directly to the care and treatment of a patient for a period of no less than (~~ten~~) eight years following the most recent discharge of the patient; except the records of minors, which shall be retained and preserved for a period of no less than three years following attainment of the age of eighteen years, or ten years following such discharge, whichever is longer.

If a nursing home ceases operations, it shall make immediate arrangements, as approved by the department, for preservation of its records.

The department shall by regulation define the type of records and the information required to be included in the records to be retained and preserved under this section; which records may be retained in photographic form pursuant to chapter 5.46 RCW.

**NEW SECTION. Sec. 45.** A new section is added to chapter 18.88A RCW to read as follows:

The legislature recognizes that nurses have been successfully delegating nursing care tasks to family members and auxiliary staff for many years. The opportunity for a nurse to delegate to nursing assistants qualifying under section 46 of this act may enhance the viability and quality of care in community health settings for long-term care services and to allow citizens to live as independently as possible with maximum safeguards.

**NEW SECTION. Sec. 46.** A new section is added to chapter 18.88A RCW to read as follows:

(1) A nurse may delegate specific care tasks to nursing assistants meeting the requirements of this section and who provide care to individuals in community residential programs for the developmentally disabled certified by the department of social and health services under chapter 71A.12 RCW, to individuals residing in adult family homes licensed under chapter 70.128 RCW, and to individuals residing in boarding homes licensed under chapter 18.20 RCW contracting with the department of social and health services to provide assisted living services pursuant to RCW 74.39A.010.

(2) For the purposes of this section, "nursing assistant" means a nursing assistant-registered or a nursing assistant-certified. Nothing in this section may be construed to affect the authority of nurses to delegate nursing tasks to other persons, including licensed practical nurses, as authorized by law.

(3) Before commencing any specific nursing care tasks authorized under this chapter, the nursing assistant must (a) provide to the delegating nurse a certificate of completion issued by the department of social and health services indicating the completion of basic core training as provided in this section, (b) be regulated by the department of health pursuant to this chapter, subject to the uniform disciplinary act under chapter 18.130 RCW, and (c) meet any additional training requirements identified by the nursing care quality assurance commission and authorized by this section.

(4) A nurse may delegate the following care tasks:

- (a) Oral and topical medications and ointments;
- (b) Nose, ear, eye drops, and ointments;
- (c) Dressing changes and catheterization using clean techniques as defined by the nursing care quality assurance commission;
- (d) Suppositories, enemas, ostomy care;
- (e) Blood glucose monitoring;
- (f) Gastrostomy feedings in established and healed condition.

(5) On or before September 1, 1995, the nursing care quality assurance commission, in conjunction with the professional nursing organizations, shall develop rules for nurse delegation protocols and by December 5, 1995, identify training beyond the core training that is deemed necessary for the delegation of complex tasks and patient care.

(6) Nursing task delegation protocols are not intended to regulate the settings in which delegation may occur but are intended to ensure that nursing care services have a consistent standard of practice upon which the public and profession may rely and to safeguard the authority of the nurse to make independent professional decisions regarding the delegation of a task. Protocols shall include at least the following:

(a) Ensure that determination of the appropriateness of delegation of a nursing task is at the discretion of the nurse;

(b) Allow delegation of a nursing care task only for patients who have a stable and predictable condition. "Stable and predictable condition" means a situation, as defined by rule by the nursing care quality assurance commission, in which the patient's clinical and behavioral status is known and does not require frequent presence and evaluation of a registered nurse;

(c) Assure that the delegations of nursing tasks pursuant to this chapter have the written informed consent of the patient consistent with the provisions for informed consent under chapter 7.70 RCW, as well as with the consent of the delegating nurse and nursing assistant. The delegating nurse shall inform patients of the level of training of all care providers in the setting;

(d) Verify that the nursing assistant has completed the core training;

(e) Require assessment by the nurse of the ability and willingness of the nursing assistant to perform the delegated nursing task in the absence of direct nurse supervision and to refrain from delegation if the nursing assistant is not able or willing to perform the task;

(f) Require the nurse to analyze the complexity of the nursing task that is considered for delegation and determine the appropriate level of training and any need of additional training for the nursing assistant;

(g) Require the teaching of the nursing care task to the nursing assistant including return demonstration under observation while performing the task;

(h) Require a plan of nursing supervision and reevaluation of the delegated nursing task. "Nursing supervision" means that the registered nurse monitors by direct observation the skill and ability of the nursing assistant to perform delegated nursing tasks. Frequency of supervision is at the discretion of the registered nurse but shall occur at least every sixty days;

(i) Require instruction to the nursing assistant that the delegated nursing task is specific to a patient and is not transferable;

(j) Require documentation and written instruction related to the delegated nursing task be provided to the nursing assistant and a copy maintained in the patient record;

(k) Ensure that the nursing assistant is prepared to effectively deal with the predictable outcomes of performing the nursing task;

(l) Include in the delegation of tasks an awareness of the nature of the condition requiring treatment, risks of the treatment, side effects, and interaction of prescribed medications;

(m) Require documentation in the patient's record of the rationale for delegating or not delegating nursing tasks.

(7) A basic core training curriculum on providing care for individuals in community residential programs for the developmentally disabled certified by the department of social and health services under chapter 71A.12 RCW shall be in addition to the training requirements specified in subsection (5) of this section. Basic core training shall be developed and adopted by rule by the secretary of the department of social and health services. The department of social and health services shall appoint an advisory panel to assist in the development of core training comprised of representatives of the following:

(a) The division of developmental disabilities;

(b) The nursing care quality assurance commission;

(c) Professional nursing organizations;

(d) A state-wide organization of community residential service providers whose members are programs certified by the department under chapter 71A.12 RCW.

(8) A basic core training curriculum on providing care to residents in residential settings licensed under chapter 70.128 RCW, or in assisted living pursuant to RCW 74.39A.010 shall be mandatory for nursing assistants prior to assessment by a nurse regarding the ability and willingness to perform a delegated nursing task. Core training shall be developed and adopted by rule by the secretary of the department of social and health services, in conjunction with an advisory panel. The advisory panel shall be comprised of representatives from, at a minimum, the following:

(a) The nursing care quality assurance commission;

(b) Professional nurse organizations;

(c) A state-wide association of community residential service providers whose members are programs certified by the department under chapter 71A.12 RCW;

(d) Aging consumer groups;

(e) Associations representing homes licensed under chapters 70.128 and 18.20 RCW; and

(f) Associations representing home health, hospice, and home care agencies licensed under chapter 70.127 RCW.

**NEW SECTION.** Sec. 47. A new section is added to chapter 18.88A RCW to read as follows:

On or before December 1, 1995, the department of health and the department of social and health services, in consultation with the nursing care quality assurance commission, shall develop and clarify program and reimburse-

ment policies, as well as clarify barriers to current delegation, relating to the ability and authority of a nurse to delegate care tasks in the programs and services operating under their authority.

The nursing care quality assurance commission shall develop model forms that will assist in standardizing the practice of delegation.

**NEW SECTION.** Sec. 48. A new section is added to chapter 18.88A RCW to read as follows:

(1) The nurse and nursing assistant shall be accountable for their own individual actions in the delegation process. Nurses acting within the protocols of their delegation authority shall be immune from liability for any action performed in the course of their delegation duties. Nursing assistants following written delegation instructions from registered nurses performed in the course of their accurately written, delegated duties shall be immune from liability.

(2) No person may coerce a nurse into compromising patient safety by requiring the nurse to delegate if the nurse determines it is inappropriate to do so. Nurses shall not be subject to any employer reprisal or disciplinary action by the Washington nursing care quality assurance commission for refusing to delegate tasks or refusing to provide the required training for delegation if the nurse determines delegation may compromise patient safety. Nursing assistants shall not be subject to any employer reprisal or disciplinary action by the nursing care quality assurance commission for refusing to accept delegation of a nursing task. No community residential program, adult family home, or boarding home contracting to provide assisted-living services may discriminate or retaliate in any manner against a person because the person made a complaint or cooperated in the investigation of a complaint.

(3) The department of social and health services shall impose a civil fine of not less than two hundred fifty dollars nor more than one thousand dollars on a community residential program, adult family home, or boarding home under this act that knowingly permits an employee to perform a nursing task except as delegated by a nurse pursuant to this act.

**NEW SECTION.** Sec. 49. A new section is added to chapter 18.88A RCW to read as follows:

The aging and adult services administration of the department of social and health services shall establish a toll-free telephone number for receiving complaints regarding delegation of specific nursing tasks to nursing assistants, in conjunction with any other such system maintained for long-term care services. Complaints specifically related to nurse-delegation shall be referred to the nursing care quality assurance commission for appropriate disposition in accordance with established procedures.

**Sec. 50.** RCW 18.79.040 and 1994 sp.s. c 9 s 404 are each amended to read as follows:



(1) "Registered nursing practice" means the performance of acts requiring substantial specialized knowledge, judgment, and skill based on the principles of the biological, physiological, behavioral, and sociological sciences in either:

(a) The observation, assessment, diagnosis, care or counsel, and health teaching of the ill, injured, or infirm, or in the maintenance of health or prevention of illness of others;

(b) The performance of such additional acts requiring education and training and that are recognized by the medical and nursing professions as proper and recognized by the commission to be performed by registered nurses licensed under this chapter and that are authorized by the commission through its rules;

(c) The administration, supervision, delegation, and evaluation of nursing practice. However, nothing in this subsection affects the authority of a hospital, hospital district, medical clinic, or office, concerning its administration and supervision;

(d) The teaching of nursing;

(e) The executing of medical regimen as prescribed by a licensed physician and surgeon, dentist, osteopathic physician and surgeon, podiatric physician and surgeon, physician assistant, osteopathic physician assistant, or advanced registered nurse practitioner.

(2) Nothing in this section prohibits a person from practicing a profession for which a license has been issued under the laws of this state or specifically authorized by any other law of the state of Washington.

(3) This section does not prohibit (a) the nursing care of the sick, without compensation, by an unlicensed person who does not hold himself or herself out to be a registered nurse, ~~((or))~~ (b) the practice of licensed practical nursing by a licensed practical nurse, or (c) the practice of a nursing assistant, providing delegated nursing tasks under chapter 18.88A RCW.

**Sec. 51.** RCW 18.79.260 and 1995 c 295 s 1 are each amended to read as follows:

A registered nurse under his or her license may perform for compensation nursing care, as that term is usually understood, of the ill, injured, or infirm, and in the course thereof, she or he may do the following things that shall not be done by a person not so licensed, except as provided in RCW 18.79.270 and section 46 of this act:

(1) At or under the general direction of a licensed physician and surgeon, dentist, osteopathic physician and surgeon, naturopathic physician, podiatric physician and surgeon, physician assistant, osteopathic physician assistant, or advanced registered nurse practitioner acting within the scope of his or her license, administer medications, treatments, tests, and inoculations, whether or not the severing or penetrating of tissues is involved and whether or not a degree of independent judgment and skill is required. Such direction must be for acts which are within the scope of registered nursing practice;

(2) Delegate to other persons ~~((engaged in nursing,))~~ the functions outlined in subsection (1) of this section in accordance with chapter 18.88A RCW;

(3) Instruct nurses in technical subjects pertaining to nursing;

(4) Hold herself or himself out to the public or designate herself or himself as a registered nurse.

**Sec. 52.** RCW 18.88A.030 and 1994 sp.s. c 9 s 709 are each amended to read as follows:

(1) A nursing assistant may assist in the care of individuals as delegated by and under the direction and supervision of a licensed (registered) nurse or licensed practical nurse.

(2) A health care facility shall not assign a nursing assistant-registered to provide care until the nursing assistant-registered has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

(3) Nothing in this chapter shall be construed to confer on a nursing assistant the authority to administer medication unless delegated as a specific nursing task pursuant to this chapter or to practice as a licensed (registered) nurse or licensed practical nurse as defined in chapter 18.79 RCW.

(4) Certification is voluntary for nursing assistants working in health care facilities other than nursing homes unless otherwise required by state or federal law or regulation.

(5) The commission may adopt rules to implement the provisions of this chapter.

**NEW SECTION. Sec. 53.** The secretary of health in consultation with the Washington nursing care quality assurance commission and the department of social and health services shall monitor the implementation of sections 45 through 54 of this act and shall make an interim report by December 31, 1996, and a final report by December 31, 1997, to the legislature with any recommendations for improvements. As part of the monitoring process, the secretary of health and the secretary of social and health services, in consultation with the University of Washington school of nursing, shall conduct a study to be completed by September 30, 1997, which shall be a part of the final report to be submitted to the legislature by December 31, 1997. The study shall include consideration of the protection of health and safety of persons with developmental disabilities and residents of adult family homes and boarding homes providing assisted living services, including the appropriateness of the tasks allowed for delegation, level and type of training and regulation of nursing assistants. The report shall include direct observation, documentation, and interviews, and shall specifically include data on the following:

(1) Patient, nurse, and nursing assistant satisfaction;

(2) Medication errors, including those resulting in hospitalization;

(3) Compliance with required training;

(4) Compliance with nurse delegation protocols;

(5) Incidence of harm to patients, including abuse and neglect;

(6) Impact on access to care;

(7) Impact on patient quality of life; and

(8) Incidence of coercion in the nurse-delegation process.

**NEW SECTION. Sec. 54.** A special legislative task force is established to monitor implementation of sections 45 through 53 of this act. The task force shall consist of four members from the house of representatives, no more than two of whom shall be members of the same caucus, who shall be appointed by the speaker of the house of representatives, and four members from the senate, no more than two of whom shall be members of the same caucus, who shall be appointed by the president of the senate. The task force shall:

(1) Review the proposed nurse delegation protocols developed by the nursing care quality assurance commission;

(2) Review the proposed core and specialized training curricula developed by the department of social and health services and by the nursing care quality assurance commission;

(3) Review the program and reimbursement policies, and the identified barriers to nurse delegation, developed by the department of health and department of social and health services;

(4) Submit an interim report of its findings and recommendations on the above actions to the legislature by January 1, 1996;

(5) During 1996, conduct hearings to assess the effectiveness with which the delegation protocols, the core training, and nurse oversight are being implemented, and their impact on patient care and quality of life;

(6) Review and approve the proposed study designs;

(7) By February 1, 1997, recommend to the legislature a mechanism and time frame for extending nurse delegation provisions similar to those described in this act to persons residing in their own homes;

(8) During 1997, receive interim reports on the findings of the studies conducted in accordance with this act, and conduct additional fact-finding hearings on the implementation and impact of the nurse delegation provisions of sections 45 through 53 of this act.

The office of program research and senate committee services shall provide staff support to the task force. The department of health, the department of social and health services, and the nursing care quality assurance commission shall provide technical support as needed. The task force shall cease to exist on January 1, 1998, unless extended by act of the legislature.

**NEW SECTION. Sec. 55.** A new section is added to chapter 74.39A RCW to read as follows:

(1) A person who receives an asset from an applicant for or recipient of long-term care services for less than fair market value shall be subject to a civil fine payable to the department if:

(a) The applicant for or recipient of long-term care services transferred the asset for the purpose of qualifying for state or federal coverage for long-term care services and the person who received the asset was aware, or should have been aware, of this purpose;

(b) Such transfer establishes a period of ineligibility for such service under state or federal laws or regulations; and

(c) The department provides coverage for such services during the period of ineligibility because the failure to provide such coverage would result in an undue hardship for the applicant or recipient.

(2) The civil fine imposed under this section shall be imposed in a judicial proceeding initiated by the department and shall equal (a) up to one hundred fifty percent of the amount the department expends for the care of the applicant or recipient during the period of ineligibility attributable to the amount transferred to the person subject to the civil fine plus (b) the department's court costs and legal fees.

(3) Transfers subject to a civil fine under this section shall be considered null and void and a fraudulent conveyance as to the department. The department shall have the right to petition a court to set aside such transfers and require all assets transferred returned to the applicant or recipient.

**NEW SECTION. Sec. 56.** A new section is added to chapter 74.39A RCW to read as follows:

(1) All payments made in state-funded long-term care shall be recoverable as if they were medical assistance payments subject to recovery under 42 U.S.C. Sec. 1396p and chapter 43.20B RCW, but without regard to the recipient's age.

(2) In determining eligibility for state-funded long-term care services programs, the department shall impose the same rules with respect to the transfer of assets for less than fair market value as are imposed under 42 U.S.C. 1396p with respect to nursing home and home and community services.

**NEW SECTION. Sec. 57.** A new section is added to chapter 74.39A RCW to read as follows:

Notwithstanding any other provision of law:

(1) In order to facilitate and ensure compliance with the federal social security act, Title XIX, as now existing or hereafter amended, later enactment to be adopted by reference by the director by rule, and other state laws mandating recovery of assets from estates of persons receiving long-term care services, the secretary of the department, with the approval of the office of the attorney general, may pay the reasonable and proper fees of attorneys admitted to practice before courts of this state, and associated professionals such as guardians, who are engaged in probate practice for the purpose of maintaining actions under Title 11 RCW, to the end that assets are not wasted, but are rather collected and preserved, and used for the care of the client or the reimbursement of the department pursuant to this chapter or chapter 43.20B RCW.

(2) The department may hire such other agencies and professionals on a contingency basis or otherwise as are necessary and cost-effective to collect bad debts owed to the department for long-term care services.

**Sec. 58.** RCW 11.40.010 and 1994 c 221 s 25 are each amended to read as follows:

Every personal representative shall, after appointment and qualification, give a notice to the creditors of the deceased, stating such appointment and qualification as personal representative and requiring all persons having claims against the deceased to serve the same on the personal representative or the estate's attorney of record, and file an executed copy thereof with the clerk of the court, within four months after the date of the first publication of such notice described in this section or within four months after the date of the filing of the copy of such notice with the clerk of the court, whichever is the later, or within the time otherwise provided in RCW 11.40.013. The four-month time period after the later of the date of the first publication of the notice to creditors or the date of the filing of such notice with the clerk of the court is referred to in this chapter as the "four-month time limitation." Such notice shall be given as follows:

(1) The personal representative shall give actual notice, as provided in RCW 11.40.013, to such creditors who become known to the personal representative within such four-month time limitation;

(2) The personal representative shall cause such notice to be published once in each week for three successive weeks in the county in which the estate is being administered; ~~(and)~~

(3) The personal representative shall file a copy of such notice with the clerk of the court; and

(4) The personal representative shall mail a copy of the notice, including the decedent's social security number, to the state of Washington, department of social and health services, office of financial recovery.

Except as otherwise provided in RCW 11.40.011 or 11.40.013, any claim not filed within the four-month time limitation shall be forever barred, if not already barred by any otherwise applicable statute of limitations. This bar is effective as to claims against both the decedent's probate assets and nonprobate assets as described in RCW 11.18.200. Proof by affidavit of the giving and publication of such notice shall be filed with the court by the personal representative.

Acts of a notice agent in complying with chapter 221, Laws of 1994 may be adopted and ratified by the personal representative as if done by the personal representative in complying with this chapter, except that if at the time of the appointment and qualification of the personal representative a notice agent had commenced nonprobate notice to creditors under chapter 11.42 RCW, the personal representative shall give published notice as provided in RCW 11.42.180.

**Sec. 59.** RCW 11.42.020 and 1994 c 221 s 32 are each amended to read as follows:

(1) The notice agent may give nonprobate notice to the creditors of the decedent if:

(a) As of the date of the filing of a copy of the notice with the clerk of the superior court for the notice county, the notice agent has no knowledge of the appointment and qualification of a personal representative in the decedent's estate in the state of Washington or of another person becoming a notice agent; and

(b) According to the records of the clerk of the superior court for the notice county as of 8:00 a.m. on the date of the filing, no personal representative of the decedent's estate had been appointed and qualified and no cause number regarding the decedent had been issued to any other notice agent by the clerk under RCW 11.42.010.

(2) The notice must state that all persons having claims against the decedent shall: (a) Serve the same on the notice agent if the notice agent is a resident of the state of Washington upon whom service of all papers may be made, or on the nonprobate resident agent for the notice agent, if any, or on the attorneys of record of the notice agent at their respective address in the state of Washington; and (b) file an executed copy of the notice with the clerk of the superior court for the notice county, within: (i)(A) Four months after the date of the first publication of the notice described in this section; or (B) four months after the date of the filing of the copy of the notice with the clerk of the superior court for the notice county, whichever is later; or (ii) the time otherwise provided in RCW 11.42.050. The four-month time period after the later of the date of the first publication of the notice to creditors or the date of the filing of the notice with the clerk of the court is referred to in this chapter as the "four-month time limitation."

(3) The notice agent shall declare in the notice in affidavit form or under the penalty of perjury under the laws of the state of Washington as provided in RCW 9A.72.085 that: (a) The notice agent is entitled to give the nonprobate notice under subsection (1) of this section; and (b) the notice is being given by the notice agent as permitted by this section.

(4) The notice agent shall sign the notice and file it with the clerk of the superior court for the notice county. The notice must be given as follows:

(a) The notice agent shall give actual notice as to creditors of the decedent who become known to the notice agent within the four-month time limitation as required in RCW 11.42.050;

(b) The notice agent shall cause the notice to be published once in each week for three successive weeks in the notice county; ~~((and))~~

(c) The notice agent shall file a copy of the notice with the clerk of the superior court for the notice county; and

(d) The notice agent shall mail a copy of the notice, including the decedent's social security number, to the state of Washington, department of social and health services, office of financial recovery.

(5) A claim not filed within the four-month time limitation is forever barred, if not already barred by an otherwise applicable statute of limitations, except as provided in RCW 11.42.030 or 11.42.050. The bar is effective to bar claims against both the probate estate of the decedent and nonprobate assets that were subject to satisfaction of the decedent's general liabilities immediately before the decedent's death. If a notice to the creditors of a decedent is published by more than one notice agent and the notice agents are not acting jointly, the four-month time limitation means the four-month time limitation that applies to the notice

agent who first publishes the notice. Proof by affidavit or perjury declaration made under RCW 9A.72.085 of the giving and publication of the notice must be filed with the clerk of the superior court for the notice county by the notice agent.

**Sec. 60.** RCW 11.62.010 and 1993 c 291 s 1 are each amended to read as follows:

(1) At any time after forty days from the date of a decedent's death, any person who is indebted to or who 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, shall pay such indebtedness or deliver such personal property, or so much of either as is claimed, to a person claiming to be a successor of the decedent upon receipt of proof of death and of an affidavit made by said person which meets the requirements of subsection (2) of this section.

(2) An affidavit which is to be made pursuant to this section shall state:

(a) The claiming successor's name and address, and that the claiming successor is a "successor" as defined in RCW 11.62.005;

(b) That the decedent was a resident of the state of Washington on the date of his or her death;

(c) That the value of the decedent's entire estate subject to probate, not including the surviving spouse's community property interest in any assets which are subject to probate in the decedent's estate, wherever located, less liens and encumbrances, does not exceed sixty thousand dollars;

(d) That forty days have elapsed since the death of the decedent;

(e) That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction;

(f) That all debts of the decedent including funeral and burial expenses have been paid or provided for;

(g) A description of the personal property and the portion thereof claimed, together with a statement that such personal property is subject to probate;

(h) That the claiming successor has given written notice, either by personal service or by mail, identifying his or her claim, and describing the property claimed, to all other successors of the decedent, and that at least ten days have elapsed since the service or mailing of such notice; and

(i) That the claiming successor is either personally entitled to full payment or delivery of the property claimed or is entitled to full payment or delivery thereof on the behalf and with the written authority of all other successors who have an interest therein.

(3) A transfer agent of any security shall change the registered ownership of the security claimed from the decedent to the person claiming to be the successor with respect to such security upon the presentation of proof of death and of an affidavit made by such person which meets the requirements of subsection (2) of this section. Any governmental agency required to issue certificates of ownership or of license registration to personal property shall issue

a new certificate of ownership or of license registration to a person claiming to be a successor of the decedent upon receipt of proof of death and of an affidavit made by such person which meets the requirements of subsection (2) of this section.

(4) No release from any Washington state or local taxing authority may be required before any assets or debts are paid or delivered to a successor of a decedent as required under this section.

(5) A copy of the affidavit, including the decedent's social security number, shall be mailed to the state of Washington, department of social and health services, office of financial recovery.

**Sec. 61.** RCW 11.28.120 and 1994 c 221 s 23 are each amended to read as follows:

Administration of an estate if the decedent died intestate or if the personal representative or representatives named in the will declined or were unable to serve shall be granted to some one or more of the persons hereinafter mentioned, and they shall be respectively entitled in the following order:

(1) The surviving spouse, or such person as he or she may request to have appointed.

(2) The next of kin in the following order: (a) Child or children; (b) father or mother; (c) brothers or sisters; (d) grandchildren; (e) nephews or nieces.

(3) The trustee named by the decedent in an inter vivos trust instrument, testamentary trustee named in the will, guardian of the person or estate of the decedent, or attorney in fact appointed by the decedent, if any such a fiduciary controlled or potentially controlled substantially all of the decedent's probate and nonprobate assets.

(4) One or more of the beneficiaries or transferees of the decedent's probate or nonprobate assets.

(5)(a) The director of revenue, or the director's designee, for those estates having property subject to the provisions of chapter 11.08 RCW; however, the director may waive this right.

(b) The secretary of the department of social and health services for those estates owing debts for long-term care services as defined in section 1 of this act; however the secretary may waive this right.

(6) One or more of the principal creditors.

(7) If the persons so entitled shall fail for more than forty days after the death of the decedent to present a petition for letters of administration, or if it appears to the satisfaction of the court that there is no next of kin, as above specified eligible to appointment, or they waive their right, and there are no principal creditor or creditors, or such creditor or creditors waive their right, then the court may appoint any suitable person to administer such estate.

**Sec. 62.** RCW 18.39.250 and 1989 c 390 s 3 are each amended to read as follows:



(1) Any funeral establishment selling funeral merchandise or services by prearrangement funeral service contract and accepting moneys therefore shall establish and maintain one or more prearrangement funeral service trusts under Washington state law with two or more designated trustees, for the benefit of the beneficiary of the prearrangement funeral service contract or may join with one or more other Washington state licensed funeral establishments in a "master trust" provided that each member of the "master trust" shall comply individually with the requirements of this chapter.

(2) Up to ten percent of the cash purchase price of each prearrangement funeral service contract, excluding sales tax, may be retained by the funeral establishment unless otherwise provided in this chapter. If the prearrangement funeral service contract is canceled within thirty calendar days of its signing, then the purchaser shall receive a full refund of all moneys paid under the contract.

(3) At least ninety percent of the cash purchase price of each prearrangement funeral service contract, paid in advance, excluding sales tax, shall be placed in the trust established or utilized by the funeral establishment. Deposits to the prearrangement funeral service trust shall be made not later than the twentieth day of the month following receipt of each payment made on the last ninety percent of each prearrangement funeral service contract, excluding sales tax.

(4) All prearrangement funeral service trust moneys shall be deposited in an insured account in a qualified public depository or shall be invested in instruments issued or insured by any agency of the federal government if these securities are held in a public depository. The account shall be designated as the prearrangement funeral service trust of the funeral establishment for the benefit of the beneficiaries named in the prearrangement funeral service contracts. The prearrangement funeral service trust shall not be considered as, nor shall it be used as, an asset of the funeral establishment.

(5) After deduction of reasonable fees for the administration of the trust, taxes paid or withheld, or other expenses of the trust, all interest, dividends, increases, or accretions of whatever nature earned by a trust shall be kept unimpaired and shall become a part of the trust. Adequate records shall be maintained to allocate the share of principal and interest to each contract. Fees deducted for the administration of the trust shall not exceed one percent of the face amount of the prearrangement funeral service contract per annum. In no instance shall the administrative charges deducted from the prearrangement funeral service trust reduce, diminish, or in any other way lessen the value of the trust so that the services or merchandise provided for under the contract are reduced, diminished, or in any other way lessened.

(6) Except as otherwise provided in this chapter, the trustees of a prearrangement funeral service trust shall permit withdrawal of all funds deposited under a prearrangement funeral service contract, plus accruals thereon, under the following circumstances and conditions:

(a) If the funeral establishment files a verified statement with the trustees that the prearrangement funeral merchandise and services covered by the contract have been furnished and delivered in accordance therewith; or

(b) If the funeral establishment files a verified statement with the trustees that the prearrangement funeral merchandise and services covered by the contract have been canceled in accordance with its terms.

(7) Subsequent to the thirty calendar day cancellation period provided for in this chapter, any purchaser or beneficiary who has a revocable prearrangement funeral service contract has the right to demand a refund of the amount in trust.

(8) Prearrangement funeral service contracts which have or should have an account in a prearrangement funeral service trust may be terminated by the board if the funeral establishment goes out of business, becomes insolvent or bankrupt, makes an assignment for the benefit of creditors, has its prearrangement funeral service certificate of registration revoked, or for any other reason is unable to fulfill the obligations under the contract. In such event, or upon demand by the purchaser or beneficiary of the prearrangement funeral service contract, the funeral establishment shall refund to the purchaser or beneficiary all moneys deposited in the trust and allocated to the contract unless otherwise ordered by a court of competent jurisdiction. The purchaser or beneficiary may, in lieu of a refund, elect to transfer the prearrangement funeral service contract and all amounts in trust to another funeral establishment licensed under this chapter which will agree, by endorsement to the contract, to be bound by the contract and to provide the funeral merchandise or services. Election of this option shall not relieve the defaulting funeral establishment of its obligation to the purchaser or beneficiary for any amounts required to be, but not placed, in trust.

(9) Prior to the sale or transfer of ownership or control of any funeral establishment which has contracted for prearrangement funeral service contracts, any person, corporation, or other legal entity desiring to acquire such ownership or control shall apply to the director in accordance with RCW 18.39.145. Persons and business entities selling or relinquishing, and persons and business entities purchasing or acquiring ownership or control of such funeral establishments shall each verify and attest to a report showing the status of the prearrangement funeral service trust or trusts on the date of the sale. This report shall be on a form prescribed by the board and shall be considered part of the application for a funeral establishment license. In the event of failure to comply with this subsection, the funeral establishment shall be deemed to have gone out of business and the provisions of subsection (8) of this section shall apply.

(10) Prearrangement funeral service trust moneys shall not be used, directly or indirectly, for the benefit of the funeral establishment or any director, officer, agent, or employee of the funeral establishment including, but not limited to, any encumbrance, pledge, or other use of prearrangement funeral service trust moneys as collateral or other security.

(11)(a) If, at the time of the signing of the prearrangement funeral service contract, the beneficiary of the trust is a recipient of public assistance as defined

in RCW 74.04.005, or reasonably anticipates being so defined, the contract may provide that the trust will be irrevocable. If after the contract is entered into, the beneficiary becomes eligible or seeks to become eligible for public assistance under Title 74 RCW, the contract may provide for an election by the beneficiary, or by the purchaser on behalf of the beneficiary, to make the trust irrevocable thereafter in order to become or remain eligible for such assistance.

(b) The department of social and health services shall notify the trustee of any prearrangement service trust that the department has a claim on the estate of a beneficiary for long-term care services. Such notice shall be renewed at least every three years. The trustees upon becoming aware of the death of a beneficiary shall give notice to the department of social and health services, office of financial recovery, who shall file any claim there may be within thirty days of the notice.

(12) Every prearrangement funeral service contract financed through a prearrangement funeral service trust shall contain language which:

(a) Informs the purchaser of the prearrangement funeral service trust and the amount to be deposited in the trust;

(b) Indicates if the contract is revocable or not in accordance with subsection (11) of this section;

(c) Specifies that a full refund of all moneys paid on the contract will be made if the contract is canceled within thirty calendar days of its signing;

(d) Specifies that, in the case of cancellation by a purchaser or beneficiary eligible to cancel under the contract or under this chapter, up to ten percent of the contract amount may be retained by the seller to cover the necessary expenses of selling and setting up the contract;

(e) Identifies the trust to be used and contains information as to how the trustees may be contacted.

**Sec. 63.** RCW 18.39.255 and 1989 c 390 s 4 are each amended to read as follows:

Prearranged funeral service contracts funded through insurance shall contain language which:

(1) States the amount of insurance;

(2) Informs the purchaser of the name and address of the insurance company through which the insurance will be provided, the policy number, and the name of the beneficiary; ~~((and))~~

(3) Informs the purchaser that amounts paid for insurance may not be refundable;

(4) Informs that any funds from the policy not used for services may be subject to a claim for reimbursement for long-term care services paid for by the state; and

(5) States that for purposes of the contract, the procedures in RCW 18.39.250(11)(b) shall control such recoupment.

**Sec. 64.** RCW 74.42.450 and 1979 ex.s. c 211 s 45 are each amended to read as follows:

(1) The facility shall admit as residents only those individuals whose needs can be met by:

(a) The facility;

(b) The facility cooperating with community resources; or

(c) The facility cooperating with other providers of care affiliated or under contract with the facility.

(2) The facility shall transfer a resident to a hospital or other appropriate facility when a change occurs in the resident's physical or mental condition that requires care or service that the facility cannot provide. The resident, the resident's guardian, if any, the resident's next of kin, the attending physician, and the department shall be consulted at least fifteen days before a transfer or discharge unless the resident is transferred under emergency circumstances. The department shall use casework services or other means to insure that adequate arrangements are made to meet the resident's needs.

(3) A resident shall be transferred or discharged only for medical reasons, the resident's welfare or request, the welfare of other residents, or nonpayment. A resident may not be discharged for nonpayment if the discharge would be prohibited by the medicaid program.

(4) If a resident chooses to remain in the nursing facility, the department shall respect that choice, provided that if the resident is a medicaid recipient, the resident continues to require a nursing facility level of care.

(5) If the department determines that a resident no longer requires a nursing facility level of care, the resident shall not be discharged from the nursing facility until at least thirty days after written notice is given to the resident, the resident's surrogate decision maker and, if appropriate, a family member or the resident's representative. A form for requesting a hearing to appeal the discharge decision shall be attached to the written notice. The written notice shall include at least the following:

(a) The reason for the discharge;

(b) A statement that the resident has the right to appeal the discharge; and

(c) The name, address, and telephone number of the state long-term care ombudsman.

(6) If the resident appeals a department discharge decision, the resident shall not be discharged without the resident's consent until at least thirty days after a final order is entered upholding the decision to discharge the resident.

**Sec. 65.** RCW 68.46.050 and 1973 1st ex.s. c 68 s 5 are each amended to read as follows:

(1) A bank, trust company, or savings and loan association designated as the depository of prearrangement funds shall permit withdrawal by a cemetery authority of all funds deposited under any specific prearrangement contract plus interest accrued thereon, under the following circumstances and conditions:

~~((1))~~ (a) If the cemetery authority files a verified statement with the depository that the prearrangement merchandise and services covered by a contract have been furnished and delivered in accordance therewith; or

~~((2))~~ (b) If the cemetery authority files a verified statement that a specific prearrangement contract has been canceled in accordance with its terms.

(2) The department of social and health services shall notify the cemetery authority maintaining a prearrangement trust fund regulated by this chapter that the department has a claim on the estate of a beneficiary for long-term care services. Such notice shall be renewed at least every three years. The cemetery authority upon becoming aware of the death of a beneficiary shall give notice to the department of social and health services, office of financial recovery, who shall file any claim there may be within thirty days of the notice.

Sec. 66. RCW 70.129.040 and 1994 c 214 s 5 are each amended to read as follows:

(1) The resident has the right to manage his or her financial affairs, and the facility may not require residents to deposit their personal funds with the facility.

(2) Upon written authorization of a resident, if the facility agrees to manage the resident's personal funds, the facility must hold, safeguard, manage, and account for the personal funds of the resident deposited with the facility as specified in this section.

~~((3))~~(a) The facility must deposit a resident's personal funds in excess of one hundred dollars in an interest-bearing account or accounts that is separate from any of the facility's operating accounts, and that credits all interest earned on residents' funds to that account. In pooled accounts, there must be a separate accounting for each resident's share.

(b) The facility must maintain a resident's personal funds that do not exceed one hundred dollars in a noninterest-bearing account, interest-bearing account, or petty cash fund.

~~((4))~~ (3) The facility must establish and maintain a system that assures a full and complete and separate accounting of each resident's personal funds entrusted to the facility on the resident's behalf.

(a) The system must preclude any commingling of resident funds with facility funds or with the funds of any person other than another resident.

(b) The individual financial record must be available on request to the resident or his or her legal representative.

~~((5))~~ (4) Upon the death of a resident with a personal fund deposited with the facility the facility must convey within forty-five days the resident's funds, and a final accounting of those funds, to the individual or probate jurisdiction administering the resident's estate; but in the case of a resident who received long-term care services paid for by the state, the funds and accounting shall be sent to the state of Washington, department of social and health services, office of financial recovery. The department shall establish a release procedure for use for burial expenses.

**Sec. 67.** RCW 43.20B.080 and 1994 c 21 s 3 are each amended to read as follows:

(1) The department shall file liens, seek adjustment, or otherwise effect recovery for medical assistance correctly paid on behalf of an individual as required by this chapter and 42 U.S.C. Sec. 1396p.

(2) Liens may be adjusted by foreclosure in accordance with chapter 61.12 RCW.

(3) In the case of an individual who was fifty-five years (~~(or {of})~~) of age or older when the individual received medical assistance, the department shall seek adjustment or recovery from the individual's estate, and from nonprobate assets of the individual as defined by RCW 11.02.005 except property passing through a community property agreement, but only for medical assistance consisting of nursing facility services, home and community-based services, other services that the department determines to be appropriate, and related hospital and prescription drug services. Recovery from the individual's estate, including foreclosure of liens imposed under this section, shall be undertaken as soon as practicable, consistent with the requirements of 42 U.S.C. Sec. 1396p.

~~((3))~~ (4)(a) The department shall establish procedures consistent with standards established by the federal department of health and human services and pursuant to 42 U.S.C. Sec. 1396p to waive recovery when such recovery would work an undue hardship.

~~((4))~~ (b) Recovery of medical assistance from a recipient's estate shall not include property made exempt from claims by federal law or treaty, including exemption for tribal artifacts that may be held by individual Native Americans.

(5) The department is authorized to adopt rules to effect recovery under this section. The department may adopt by rule later enactments of the federal laws referenced in this section.

**Sec. 68.** RCW 74.42.020 and 1982 c 120 s 1 are each amended to read as follows:

The standards in RCW 74.42.030 through 74.42.570 are the minimum standards for facilities licensed under chapter 18.51 RCW: PROVIDED, HOWEVER, That RCW 74.42.040, 74.42.140 through 74.42.280, 74.42.300, 74.42.360, 74.42.370, 74.42.380, 74.42.420 (2), (4), (5), (6) and (7), 74.42.430(3), 74.42.450 (2) and (3), 74.42.520, 74.42.530, 74.42.540, 74.42.570, and 74.42.580 shall not apply to ~~((Christian Science sanatoria facilities operated and listed or certified by The First Church of Christ, Scientist, in Boston, Massachusetts))~~ any nursing home or institution conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination, or for any nursing home or institution operated for the exclusive care of members of a convent as defined in RCW 84.36.800 or rectory, monastery, or other institution operated for the care of members of the clergy.

**NEW SECTION.** Sec. 69. A new section is added to chapter 74.46 RCW to read as follows:

Upon the death of a resident with a personal fund deposited with the facility, the facility must convey within forty-five days the resident's funds, and a final accounting of those funds, to the individual or probate jurisdiction administering the resident's estate; but in the case of a resident who received long-term care services, the funds and accounting shall be sent to the state of Washington, department of social and health services, office of financial recovery. The department shall establish a release procedure for use for burial expenses.

**Sec. 70.** RCW 74.46.450 and 1993 sp.s. c 13 s 9 are each amended to read as follows:

(1) Prospective reimbursement rates for a new contractor will be established within sixty days following receipt by the department of the properly completed projected budget required by RCW 74.46.670. Such reimbursement rates will become effective as of the effective date of the contract and shall remain in effect until adjusted or reset as provided in this chapter.

(2) Such reimbursement rates will be based on the contractor's projected cost of operations and on costs and payment rates of the prior contractor, if any, or of other contractors in comparable circumstances.

(3) For nursing facilities receiving original certificate of need approval prior to June 30, 1988, and commencing operations on or after January 1, 1995, the department shall base initial nursing services, food, administrative, and operational rate components on such component rates immediately above the median for facilities in the same county. Property and return on investment rate components shall be established as provided in this chapter.

(4) If a properly completed budget is not received at least sixty days prior to the effective date of the contract, the department will establish preliminary rates based on the other factors specified in subsection (2) of this section. These preliminary rates will remain in effect until adjusted or reset as provided in this chapter.

~~((4))~~ (5) The department is authorized to develop policies and procedures in rule to address the computation of rates for the first and second fiscal years of each biennium, including steps necessary to prorate rate adjustments for economic trends and conditions as authorized in RCW 74.46.420, for contractors having less than twelve months of cost report data for the prior calendar year.

**Sec. 71.** RCW 70.38.111 and 1993 c 508 s 5 are each amended to read as follows:

(1) The department shall not require a certificate of need for the offering of an inpatient tertiary health service by:

(a) A health maintenance organization or a combination of health maintenance organizations if (i) the organization or combination of organizations has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (ii) the

facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination;

(b) A health care facility if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has, in the service area of the organization or service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (iii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iv) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination; or

(c) A health care facility (or portion thereof) if (i) the facility is or will be leased by a health maintenance organization or combination of health maintenance organizations which has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals and, on the date the application is submitted under subsection (2) of this section, at least fifteen years remain in the term of the lease, (ii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization; if, with respect to such offering or obligation by a nursing home, the department has, upon application under subsection (2) of this section, granted an exemption from such requirement to the organization, combination of organizations, or facility.

(2) A health maintenance organization, combination of health maintenance organizations, or health care facility shall not be exempt under subsection (1) of this section from obtaining a certificate of need before offering a tertiary health service unless:

(a) It has submitted at least thirty days prior to the offering of services reviewable under RCW 70.38.105(4)(d) an application for such exemption; and

(b) The application contains such information respecting the organization, combination, or facility and the proposed offering or obligation by a nursing home as the department may require to determine if the organization or combination meets the requirements of subsection (1) of this section or the facility meets or will meet such requirements; and

(c) The department approves such application. The department shall approve or disapprove an application for exemption within thirty days of receipt of a completed application. In the case of a proposed health care facility (or portion thereof) which has not begun to provide tertiary health services on the



date an application is submitted under this subsection with respect to such facility (or portion), the facility (or portion) shall meet the applicable requirements of subsection (1) of this section when the facility first provides such services. The department shall approve an application submitted under this subsection if it determines that the applicable requirements of subsection (1) of this section are met.

(3) A health care facility (or any part thereof) with respect to which an exemption was granted under subsection (1) of this section may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired and a health care facility described in (1)(c) which was granted an exemption under subsection (1) of this section may not be used by any person other than the lessee described in (1)(c) unless:

(a) The department issues a certificate of need approving the sale, lease, acquisition, or use; or

(b) The department determines, upon application, that (i) the entity to which the facility is proposed to be sold or leased, which intends to acquire the controlling interest, or which intends to use the facility is a health maintenance organization or a combination of health maintenance organizations which meets the requirements of (1)(a)(i), and (ii) with respect to such facility, meets the requirements of (1)(a) (ii) or (iii) or the requirements of (1)(b) (i) and (ii).

(4) In the case of a health maintenance organization, an ambulatory care facility, or a health care facility, which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, the department may under the program apply its certificate of need requirements only to the offering of inpatient tertiary health services and then only to the extent that such offering is not exempt under the provisions of this section.

(5)(a) The department shall not require a certificate of need for the construction, development, or other establishment of a nursing home, or the addition of beds to an existing nursing home, that is owned and operated by a continuing care retirement community that:

(i) Offers services only to contractual members;

(ii) Provides its members a contractually guaranteed range of services from independent living through skilled nursing, including some assistance with daily living activities;

(iii) Contractually assumes responsibility for the cost of services exceeding the member's financial responsibility under the contract, so that no third party, with the exception of insurance purchased by the retirement community or its members, but including the medicaid program, is liable for costs of care even if the member depletes his or her personal resources;

(iv) Has offered continuing care contracts and operated a nursing home continuously since January 1, 1988, or has obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the state assuring that financial liability for services to members, including nursing home services, will not fall upon the state;

(vi) Does not operate, and has not undertaken a project that would result in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

(vii) Has obtained a professional review of pricing and long-term solvency within the prior five years which was fully disclosed to members.

(b) A continuing care retirement community shall not be exempt under this subsection from obtaining a certificate of need unless:

(i) It has submitted an application for exemption at least thirty days prior to commencing construction of, is submitting an application for the licensure of, or is commencing operation of a nursing home, whichever comes first; and

(ii) The application documents to the department that the continuing care retirement community qualifies for exemption.

(c) The sale, lease, acquisition, or use of part or all of a continuing care retirement community nursing home that qualifies for exemption under this subsection shall require prior certificate of need approval to qualify for licensure as a nursing home unless the department determines such sale, lease, acquisition, or use is by a continuing care retirement community that meets the conditions of (a) of this subsection.

(6) A rural hospital, as defined by the department, reducing the number of licensed beds to become a rural primary care hospital under the provisions of Part A Title XVIII of the Social Security Act Section 1820, 42 U.S.C., 1395c et seq. may, within three years of the reduction of beds licensed under chapter 70.41 RCW, increase the number of licensed beds to no more than the previously licensed number without being subject to the provisions of this chapter.

(7) A rural health care facility licensed under RCW 70.175.100 formerly licensed as a hospital under chapter 70.41 RCW may, within three years of the effective date of the rural health care facility license, apply to the department for a hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW and there is no redistribution in the number of beds used for acute care or long-term care, the rural health care facility has been in continuous operation, and the rural health care facility has not been purchased or leased.

(8)(a) A nursing home that voluntarily reduces the number of its licensed beds to provide assisted living, licensed boarding home care, adult day care, adult day health, respite care, hospice, outpatient therapy services, congregate meals, home health, or senior wellness clinic, or to reduce to one or two the number of beds per room or to otherwise enhance the quality of life for residents in the nursing home, may convert the original facility or portion of the facility back, and thereby increase the number of nursing home beds to no more than the

previously licensed number of nursing home beds without ~~((being subject to the provisions of this chapter except under RCW 70.38.105(4)(d)))~~ obtaining a certificate of need under this chapter, provided the facility has been in continuous operation and has not been purchased or leased. Any conversion to the original licensed bed capacity, or to any portion thereof, shall comply with the same life and safety code requirements as existed at the time the nursing home voluntarily reduced its licensed beds; unless waivers from such requirements were issued, in which case the converted beds shall reflect the conditions or standards that then existed pursuant to the approved waivers.

(b) To convert beds back to nursing home beds under this subsection, the nursing home must:

(i) Give notice of its intent to preserve conversion options to the department of health no later than thirty days after the effective date of the license reduction; and

(ii) Give notice to the department of health and to the department of social and health services of the intent to convert beds back. If construction is required for the conversion of beds back, the notice of intent to convert beds back must be given no later than two years prior to the effective date of license modification reflecting the restored beds; otherwise, the notice must be given no later than one year prior to the effective date of license modification reflecting the restored beds.

(c) Conversion of beds back under this subsection must be completed no later than four years after the effective date of the license reduction. However, for good cause shown, the four-year period for conversion may be extended by the department of health for one additional four-year period.

(d) Nursing home beds that have been voluntarily reduced under this section shall be counted as available nursing home beds for the purpose of evaluating need under RCW 70.38.115(2)(a) and (k) so long as the facility retains the ability to convert them back to nursing home use under the terms of this section.

(e) When a building owner has secured an interest in the nursing home beds, which are intended to be voluntarily reduced by the licensee under (a) of this subsection, the applicant shall provide the department with a written statement indicating the building owner's approval of the bed reduction.

**Sec. 72.** RCW 70.38.115 and 1993 c 508 s 6 are each amended to read as follows:

(1) Certificates of need shall be issued, denied, suspended, or revoked by the designee of the secretary in accord with the provisions of this chapter and rules of the department which establish review procedures and criteria for the certificate of need program.

(2) Criteria for the review of certificate of need applications, except as provided in subsection (3) of this section for health maintenance organizations, shall include but not be limited to consideration of the following:

(a) The need that the population served or to be served by such services has for such services;

(b) The availability of less costly or more effective alternative methods of providing such services;

(c) The financial feasibility and the probable impact of the proposal on the cost of and charges for providing health services in the community to be served;

(d) In the case of health services to be provided, (i) the availability of alternative uses of project resources for the provision of other health services, (ii) the extent to which such proposed services will be accessible to all residents of the area to be served, and (iii) the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients. The department shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels;

(e) In the case of a construction project, the costs and methods of the proposed construction, including the cost and methods of energy provision, and the probable impact of the construction project reviewed (i) on the cost of providing health services by the person proposing such construction project and (ii) on the cost and charges to the public of providing health services by other persons;

(f) The special needs and circumstances of osteopathic hospitals, nonallopathic services and children's hospitals;

(g) Improvements or innovations in the financing and delivery of health services which foster cost containment and serve to promote quality assurance and cost-effectiveness;

(h) In the case of health services proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed;

(i) In the case of existing services or facilities, the quality of care provided by such services or facilities in the past;

(j) In the case of hospital certificate of need applications, whether the hospital meets or exceeds the regional average level of charity care, as determined by the secretary; and

(k) In the case of nursing home applications:

(i) The availability of other nursing home beds in the planning area to be served; and

(ii) The availability of other services in the community to be served. Data used to determine the availability of other services will include but not be limited to data provided by the department of social and health services.

(3) A certificate of need application of a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization, shall be approved by the department if the department finds:

(a) Approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll; and

(b) The health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.

A health care facility, or any part thereof, with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired unless the department issues a certificate of need approving the sale, acquisition, or lease.

(4) Until the final expiration of the state health plan as provided under RCW 70.38.919, the decision of the department on a certificate of need application shall be consistent with the state health plan in effect, except in emergency circumstances which pose a threat to the public health. The department in making its final decision may issue a conditional certificate of need if it finds that the project is justified only under specific circumstances. The conditions shall directly relate to the project being reviewed. The conditions may be released if it can be substantiated that the conditions are no longer valid and the release of such conditions would be consistent with the purposes of this chapter.

(5) Criteria adopted for review in accordance with subsection (2) of this section may vary according to the purpose for which the particular review is being conducted or the type of health service reviewed.

(6) The department shall specify information to be required for certificate of need applications. Within fifteen days of receipt of the application, the department shall request additional information considered necessary to the application or start the review process. Applicants may decline to submit requested information through written notice to the department, in which case review starts on the date of receipt of the notice. Applications may be denied or limited because of failure to submit required and necessary information.

(7) Concurrent review is for the purpose of comparative analysis and evaluation of competing or similar projects in order to determine which of the projects may best meet identified needs. Categories of projects subject to concurrent review include at least new health care facilities, new services, and expansion of existing health care facilities. The department shall specify time periods for the submission of applications for certificates of need subject to concurrent review, which shall not exceed ninety days. Review of concurrent applications shall start fifteen days after the conclusion of the time period for submission of applications subject to concurrent review. Concurrent review periods shall be limited to one hundred fifty days, except as provided for in rules adopted by the department authorizing and limiting amendment during the course of the review, or for an unresolved pivotal issue declared by the department.

(8) Review periods for certificate of need applications other than those subject to concurrent review shall be limited to ninety days. Review periods

may be extended up to thirty days if needed by a review agency, and for unresolved pivotal issues the department may extend up to an additional thirty days. A review may be extended in any case if the applicant agrees to the extension.

(9) The department or its designee, shall conduct a public hearing on a certificate of need application if requested unless the review is expedited or subject to emergency review. The department by rule shall specify the period of time within which a public hearing must be requested and requirements related to public notice of the hearing, procedures, recordkeeping and related matters.

(10)(a) Any applicant denied a certificate of need or whose certificate of need has been suspended or revoked has the right to an adjudicative proceeding. The proceeding is governed by chapter 34.05 RCW, the Administrative Procedure Act.

(b) Any health care facility or health maintenance organization that: (i) Provides services similar to the services provided by the applicant and under review pursuant to this subsection; (ii) is located within the applicant's health service area; and (iii) testified or submitted evidence at a public hearing held pursuant to subsection (9) of this section, shall be provided an opportunity to present oral or written testimony and argument in a proceeding under this subsection: PROVIDED, That the health care facility or health maintenance organization had, in writing, requested to be informed of the department's decisions.

(c) If the department desires to settle with the applicant prior to the conclusion of the adjudicative proceeding, the department shall so inform the health care facility or health maintenance organization and afford them an opportunity to comment, in advance, on the proposed settlement.

(11) An amended certificate of need shall be required for the following modifications of an approved project:

(a) A new service requiring review under this chapter;

(b) An expansion of a service subject to review beyond that originally approved;

(c) An increase in bed capacity;

(d) A significant reduction in the scope of a nursing home project without a commensurate reduction in the cost of the nursing home project, or a cost increase (as represented in bids on a nursing home construction project or final cost estimates acceptable to the person to whom the certificate of need was issued) if the total of such increases exceeds twelve percent or fifty thousand dollars, whichever is greater, over the maximum capital expenditure approved. The review of reductions or cost increases shall be restricted to the continued conformance of the nursing home project with the review criteria pertaining to financial feasibility and cost containment.

(12) An application for a certificate of need for a nursing home capital expenditure which is determined by the department to be required to eliminate

or prevent imminent safety hazards or correct violations of applicable licensure and accreditation standards shall be approved.

~~(13) (In the case of an application for a certificate of need to replace existing nursing home beds, all criteria must be met on the same basis as an application for a certificate of need for a new nursing home, except that the need criteria shall be deemed met if the applicant is an existing licensee who proposes to replace existing beds that the licensee has operated for at least one year with the same or fewer number of beds in the same planning area))~~ (a) Replacement of existing nursing home beds in the same planning area by an existing licensee who has operated the beds for at least one year shall not require a certificate of need under this chapter. The licensee shall give written notice of its intent to replace the existing nursing home beds to the department and shall provide the department with information as may be required pursuant to rule. Replacement of the beds by a party other than the licensee is subject to certificate of need review under this chapter, except as otherwise permitted by subsection (14) of this section.

(b) When an entire nursing home ceases operation, ((its beds shall be treated as existing nursing home beds for purposes of replacement)) the licensee or any other party who has secured an interest in the beds may reserve his or her interest in the beds for eight years or until a certificate of need to replace them is issued, whichever occurs first. However, the nursing home, licensee, or any other party who has secured an interest in the beds must give notice of its intent to retain the beds to the department of health no later than thirty days after the effective date of the facility's closure. Certificate of need review shall be required for any party who has reserved the nursing home beds except that the need criteria shall be deemed met when the applicant is the licensee who had operated the beds for at least one year, who has operated the beds for at least one year immediately preceding the reservation of the beds, and who is replacing the beds in the same planning area.

(14) In the event that a licensee, who has provided the department with notice of his or her intent to replace nursing home beds under subsection (13)(a) of this section, engages in unprofessional conduct or becomes unable to practice with reasonable skill and safety by reason of mental or physical condition, pursuant to chapter 18.130 RCW, or dies, the building owner shall be permitted to complete the nursing home bed replacement project, provided the building owner has secured an interest in the beds.

*\*Sec. 73. RCW 70.38.125 and 1989 1st ex.s. c 9 s 606 are each amended to read as follows:*

*(1) A certificate of need shall be valid for two years. One six-month extension may be made if it can be substantiated that substantial and continuing progress toward commencement of the project has been made as defined by regulations to be adopted pursuant to this chapter. An additional extension of up to sixty months shall be made if the project is located in an*

eligible area, as defined under RCW 82.60.020, or is located in an economically distressed area.

(2) A project for which a certificate of need has been issued shall be commenced during the validity period for the certificate of need.

(3) The department shall monitor the approved projects to assure conformance with certificates of need that have been issued. Rules and regulations adopted shall specify when changes in the project require reevaluation of the project. The department may require applicants to submit periodic progress reports on approved projects or other information as may be necessary to effectuate its monitoring responsibilities.

(4) The secretary, in the case of a new health facility, shall not issue any license unless and until a prior certificate of need shall have been issued by the department for the offering or development of such new health facility.

(5) Any person who engages in any undertaking which requires certificate of need review without first having received from the department either a certificate of need or an exception granted in accordance with this chapter shall be liable to the state in an amount not to exceed one hundred dollars a day for each day of such unauthorized offering or development. Such amounts of money shall be recoverable in an action brought by the attorney general on behalf of the state in the superior court of any county in which the unauthorized undertaking occurred. Any amounts of money so recovered by the attorney general shall be deposited in the state general fund.

(6) The department may bring any action to enjoin a violation or the threatened violation of the provisions of this chapter or any rules and regulations adopted pursuant to this chapter, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the superior court in the county in which such violation occurs or is about to occur, or in the superior court of Thurston county.

\*Sec. 73 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 74. 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. 75. The department of social and health services shall develop and pilot, for eighteen months, an on-line computer based information system consistent with the information needs outlined in section 3 of this act. The department shall, by December 1, 1996, report to the appropriations committee of the house of representatives and the ways and means



committee of the senate on the success of the pilot in meeting the information requirements for hospitals outlined in this section.

**Sec. 76.** RCW 48.85.010 and 1993 c 492 s 458 are each amended to read as follows:

The department of social and health services shall ~~((from July 1, 1993, to July 1, 1998)), in conjunction with the office of the insurance commissioner, coordinate a ((pilot)) long-term care insurance program entitled the Washington long-term care partnership, whereby private insurance and medicaid funds shall be used to finance long-term care. ((This program must allow for the exclusion of an individual's assets, as approved by the federal health care financing administration, in a determination of the individual's eligibility for medicaid; the amount of any medicaid payment; or any subsequent recovery by the state for a payment for medicaid services to the extent such assets are protected by a long-term care insurance policy or contract governed by chapter 48.84 RCW and meeting the criteria prescribed in this chapter.))~~ For individuals purchasing a long-term care insurance policy or contract governed by chapter 48.84 RCW and meeting the criteria prescribed in this chapter, and any other terms as specified by the office of the insurance commissioner and the department of social and health services, this program shall allow for the exclusion of some or all of the individual's assets in determination of medicaid eligibility as approved by the federal health care financing administration.

**Sec. 77.** RCW 48.85.020 and 1993 c 492 s 459 are each amended to read as follows:

The department of social and health services shall seek approval ~~((and a waiver of appropriate federal medicaid regulations))~~ from the federal health care financing administration to allow the protection of an individual's assets as provided in this chapter. The department shall adopt all rules necessary to implement the Washington long-term care partnership program, which rules shall permit the exclusion of all or some of an individual's assets in a manner specified by the department in a determination of medicaid eligibility to the extent that private long-term care insurance provides payment or benefits for services ~~((that medicaid would approve or cover for medicaid recipients)).~~

**Sec. 78.** RCW 48.85.030 and 1993 c 492 s 460 are each amended to read as follows:

(1) The insurance commissioner shall adopt rules defining the criteria that long-term care insurance policies must meet to satisfy the requirements of this chapter. The rules shall provide that all long-term care insurance policies purchased for the purposes of this chapter:

- (a) Be guaranteed renewable;
- (b) Provide coverage for ~~((home and community-based services and))~~ nursing home care and provide coverage for an alternative plan of care benefit as defined by the commissioner;

(c) Provide optional coverage for home and community-based services. Such home and community-based services shall be included in the coverage unless rejected in writing by the applicant;

(d) Provide automatic inflation protection or similar coverage for any policyholder through the age of seventy-nine and made optional at age eighty to protect the policyholder from future increases in the cost of long-term care;

~~((d))~~ (e) Not require prior hospitalization or confinement in a nursing home as a prerequisite to receiving long-term care benefits; and

~~((e))~~ (f) Contain at least a six-month grace period that permits reinstatement of the policy or contract retroactive to the date of termination if the policy or contract holder's nonpayment of premiums arose as a result of a cognitive impairment suffered by the policy or contract holder as certified by a physician.

(2) Insurers offering long-term care policies for the purposes of this chapter shall demonstrate to the satisfaction of the insurance commissioner that they:

(a) Have procedures to provide notice to each purchaser of the long-term care consumer education program;

(b) Offer case management services;

(c) Have procedures that provide for the keeping of individual policy records and procedures for the explanation of coverage and benefits identifying those payments or services available under the policy that meet the purposes of this chapter;

(d) Agree to provide the insurance commissioner, on or before September 1 of each year, an annual report containing ~~((the following))~~ information~~(+)~~

~~(i) The number of policies issued and of the policies issued, that number sorted by issue age;~~

~~(ii) To the extent possible, the financial circumstance of the individuals covered by such policies;~~

~~(iii) The total number of claims paid; and~~

~~(iv) Of the number of claims paid, the number paid for nursing home care, for home care services, and community-based services))~~ derived from the long-term care partnership long-term care insurance uniform data set as specified by the office of the insurance commissioner.

**Sec. 79.** RCW 48.85.040 and 1993 c 492 s 461 are each amended to read as follows:

The insurance commissioner~~(, in conjunction with))~~ shall, with the cooperation of the department of social and health services and members of the long-term care insurance industry, ((shall)) develop a consumer education program designed to educate consumers as to the need for long-term care, methods for financing long-term care, the availability of long-term care insurance, and the availability and eligibility requirements of the asset protection program provided under this chapter.

**Sec. 80.** RCW 48.85.050 and 1993 c 492 s 462 are each amended to read as follows:

By January 1 of each year until 1998, the insurance commissioner, in conjunction with the department of social and health services, shall report to the legislature on the progress of the asset protection program. The report shall include:

- (1) The success of the agencies in implementing the program;
- (2) The number of insurers offering long-term care policies meeting the criteria for asset protection;
- (3) The number, age, and financial circumstances of individuals purchasing long-term care policies meeting the criteria for asset protection;
- (4) The number of individuals seeking consumer information services;
- (5) The extent and type of benefits paid by insurers offering policies meeting the criteria for asset protection;
- (6) Estimates of the impact of the program on present and future medicaid expenditures;
- (7) The cost-effectiveness of the program; and
- (8) A determination regarding the appropriateness of continuing the program.

**Sec. 81.** RCW 74.09.585 and 1989 c 87 s 7 are each amended to read as follows:

(1) The department shall establish standards consistent with section 1917 of the social security act in determining the period of ineligibility for medical assistance due to the transfer of resources.

(2) There shall be no penalty imposed for the transfer of assets that are excluded in a determination of the individual's eligibility for medicaid to the extent such assets are protected by the long-term care insurance policy or contract pursuant to chapter 48.85 RCW.

(3) The department may waive a period of ineligibility if the department determines that denial of eligibility would work an undue hardship.

**Sec. 82.** RCW 74.34.010 and 1984 c 97 s 7 are each amended to read as follows:

The legislature finds that frail elders and vulnerable adults may be subjected to abuse, neglect, exploitation, or abandonment. The legislature finds that there are a number of adults sixty years of age or older who lack the ability to perform or obtain those services necessary to maintain or establish their well-being. The legislature finds that many frail elders and vulnerable adults have health problems that place them in a dependent position. The legislature further finds that a significant number of frail elders and vulnerable adults have mental and verbal limitations that leave them vulnerable and incapable of asking for help and protection.

It is the intent of the legislature to prevent or remedy the abuse, neglect, exploitation, or abandonment of persons sixty years of age or older who have a functional, mental, or physical inability to care for or protect themselves.

It is the intent of the legislature to assist frail elders and vulnerable adults by providing these persons with the protection of the courts and with the least-

restrictive services, such as home care, and by preventing or reducing inappropriate institutional care. The legislature finds that it is in the interests of the public health, safety, and welfare of the people of the state to provide a procedure for identifying these vulnerable persons and providing the services and remedies necessary for their well-being.

**Sec. 83.** RCW 74.34.100 and 1986 c 187 s 4 are each amended to read as follows:

The legislature finds that frail elders and vulnerable adults(~~(-)~~) who are (~~(physically or emotionally)~~) abused, neglected, abandoned, or (~~(financially)~~) exploited may need the protection of the courts. The legislature further finds that many of these elderly or vulnerable persons may be homebound or otherwise may be unable to represent themselves in court or to retain legal counsel in order to obtain the relief available to them under this chapter.

It is the intent of the legislature to improve access to the courts for victims of abuse, neglect, exploitation, and abandonment in order to better protect the state's frail elderly and vulnerable adults.

**Sec. 84.** RCW 74.34.020 and 1984 c 97 s 8 are each amended to read as follows:

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

(1) "Abandonment" means (~~(leaving a)~~) action or inaction by a person or entity with a duty of care for a frail elder or a vulnerable adult that leaves the vulnerable (~~(adult)~~) person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means (~~(an)~~) a nonaccidental act of physical or mental mistreatment or injury, or sexual mistreatment, which harms (~~(or threatens)~~) a person through action or inaction by another individual.

(3) "Consent" means express written consent granted after the person has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

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

(5) "Exploitation" means the illegal or improper use of a frail elder or vulnerable adult or that (~~(adult's)~~) person's income or resources, including trust funds, for another person's profit or advantage.

(6) "Neglect" means a pattern of conduct (~~(resulting)~~) or inaction by a person or entity with a duty of care for a frail elder or vulnerable adult that results in the deprivation of care necessary to maintain (~~(minimum)~~) the vulnerable person's physical (~~(and)~~) or mental health.

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

(8) "Frail elder or 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. "Frail elder or vulnerable adult" shall include persons found incapacitated under chapter 11.88 RCW, or a person who has a developmental disability

under chapter 71A.10 RCW, and persons admitted to any long-term care facility that is licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, or persons receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW.

**NEW SECTION.** Sec. 85. A new section is added to chapter 74.34 RCW to read as follows:

(1) In addition to other remedies available under the law, a frail elder or vulnerable adult or a person age eighteen or older who has been subjected to abuse, neglect, exploitation, or abandonment either while residing in a long-term care facility or in the case of a person in the care of a home health, hospice, or home care agency, residing at home, shall have a cause of action for damages on account of his or her injuries, pain and suffering, and loss of property sustained thereby. This action shall be available where the defendant is or was a corporation, trust, unincorporated association, partnership, administrator, employee, agent, officer, partner, or director of a long-term care facility, such as a nursing home or boarding home, that is licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, or of a home health, hospice, or home care agency licensed or required to be licensed under chapter 70.127 RCW, as now or subsequently designated.

(2) It is the intent of the legislature, however, that where there is a dispute about the care or treatment of a frail elder or vulnerable adult, the parties should use the least formal means available to try to resolve the dispute. Where feasible, parties are encouraged but not mandated to employ direct discussion with the health care provider, use of the long-term care ombudsman or other intermediaries, and, when necessary, recourse through licensing or other regulatory authorities.

(3) In an action brought under this section, a prevailing plaintiff shall be awarded his or her actual damages, together with the costs of the suit, including a reasonable attorney's fee. The term "costs" includes, but is not limited to, the reasonable fees for a guardian, guardian ad litem, and experts, if any, that may be necessary to the litigation of a claim brought under this section.

**NEW SECTION.** Sec. 86. A new section is added to chapter 74.34 RCW to read as follows:

A petition for an order for protection or an action for damages under this chapter may be brought by the plaintiff, or where necessary, by his or her family members and/or guardian or legal fiduciary, or as otherwise provided under this chapter. The death of the plaintiff shall not deprive the court of jurisdiction over a petition or claim brought under this chapter. Upon petition, after the death of the vulnerable person, the right to initiate or maintain the action shall be transferred to the executor or administrator of the deceased, for the benefit of the surviving spouse, child or children, or other heirs set forth in chapter 4.20 RCW.

Sec. 87. RCW 74.34.070 and 1984 c 97 s 13 are each amended to read as follows:

In responding to reports of abuse, exploitation, neglect, or abandonment under this chapter, the department shall provide information to the ~~((elderly person))~~ frail elder or vulnerable adult on protective services available to the person and inform the person of the right to refuse such services. The department shall develop cooperative agreements with community-based agencies servicing the abused elderly and vulnerable adults. The agreements shall cover such subjects as the appropriate roles and responsibilities of the department and community-based agencies in identifying and responding to reports of ~~((elderly))~~ abuse, the provision of case-management services, standardized data collection procedures, and related coordination activities.

**Sec. 88.** RCW 74.34.030 and 1986 c 187 s 1 are each amended to read as follows:

Any person, including but not limited to, financial institutions or attorneys, having reasonable cause to believe that a vulnerable adult has suffered abuse, exploitation, neglect, or abandonment, or is otherwise in need of protective services may report such information to the department. Any police officer, social worker, employee of the department, a social service, welfare, mental health, or health agency, including but not limited to home health, hospice, and home care agencies licensed under chapter 70.127 RCW, congregate long-term care facility, including but not limited to adult family homes licensed under chapter 70.128 RCW, boarding homes licensed under chapter 18.20 RCW, and nursing homes licensed under chapter 18.51 RCW, or assisted living services pursuant to RCW 74.39A.010, or health care provider licensed under Title 18 RCW, including but not limited to doctors, nurses, psychologists, and pharmacists, having reasonable cause to believe that a vulnerable adult has suffered abuse, exploitation, neglect, or abandonment, shall make an immediate oral report of such information to the department and shall report such information in writing to the department within ten calendar days of receiving the information.

NEW SECTION. **Sec. 89.** RCW 74.34.100 is recodified as RCW 74.34.015.

**Sec. 90.** RCW 74.46.020 and 1993 sp.s. c 13 s 1 are each amended to read as follows:

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

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Ancillary care" means those services required by the individual, comprehensive plan of care provided by qualified therapists.

(3) "Appraisal" means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary

interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(4) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(5) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(6) "Bad debts" means amounts considered to be uncollectable from accounts and notes receivable.

(7) "Beds" means the number of set-up beds in the facility, not to exceed the number of licensed beds.

(8) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to subparagraph (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in subparagraphs (i), (ii), or (iii) of this subparagraph (c) with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect,

immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subparagraph (b) of this subsection; and

(ii) The pledgee agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(9) "Capitalization" means the recording of an expenditure as an asset.

(10) "Contractor" means an entity which contracts with the department to provide services to medical care recipients in a facility and which entity is responsible for operational decisions.

(11) "Department" means the department of social and health services (DSHS) and its employees.

(12) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(13) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct nursing and ancillary care of medical care recipients.

(14) "Entity" means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

(15) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

(16) "Facility" means a nursing home licensed in accordance with chapter 18.51 RCW, excepting nursing homes certified as institutions for mental diseases, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(17) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.



(18) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

(19) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

(20) "Generally accepted auditing standards" means auditing standards approved by the American institute of certified public accountants (AICPA).

(21) "Goodwill" means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired.

(22) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

(23) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

(24) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

(25) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.

(26) "Medical care program" means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

(27) "Medical care recipient" or "recipient" means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

(28) "Net book value" means the historical cost of an asset less accumulated depreciation.

(29) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital which shall be five percent of the product of the per patient day rate multiplied by the prior calendar year reported total patient days of each contractor.

(30) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

(31) "Owner" means a sole proprietor, general or limited partners, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

(32) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

(33) "Patient day" or "~~(client)~~ resident day" means a calendar day of care provided to a nursing facility resident, which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist. A "client day" or "recipient day" means a calendar day of care provided to a medical care recipient determined eligible by the department for services provided under chapter 74.09 RCW, subject to the same conditions regarding admission and discharge applicable to a patient day or resident day of care.

(34) "Professionally designated real estate appraiser" means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

(35) "Qualified therapist" means:

(a) An activities specialist who has specialized education, training, or experience as specified by the department;

(b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience;

(c) A mental health professional as defined by chapter 71.05 RCW;

(d) A mental retardation professional who is either a qualified therapist or a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(e) A social worker who is a graduate of a school of social work;

(f) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;

(g) A physical therapist as defined by chapter 18.74 RCW;

(h) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training; and

(i) A respiratory care practitioner certified under chapter 18.89 RCW.

(36) "Questioned costs" means those costs which have been determined in accordance with generally accepted accounting principles but which may constitute disallowed costs or departures from the provisions of this chapter or rules and regulations adopted by the department.

(37) "Rebased rate" or "cost-rebased rate" means a facility-specific rate assigned to a nursing facility for a particular rate period established on desk-reviewed, adjusted costs reported for that facility covering at least six months of a prior calendar year.

~~(38)~~ "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

~~((38))~~ (39) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

~~((39))~~ (40) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

~~((40))~~ (41) "Secretary" means the secretary of the department of social and health services.

~~((41))~~ (42) "Title XIX" or "Medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended.

~~((42))~~ (43) "Physical plant capital improvement" means a capitalized improvement that is limited to an improvement to the building or the related physical plant.

**Sec. 91.** RCW 74.46.105 and 1985 c 361 s 10 are each amended to read as follows:

Cost reports and patient trust accounts of contractors shall be field audited by the department, either by department staff or by auditors under contract to the department, in accordance with the provisions of this chapter. The department when it deems necessary to assure the accuracy of cost reports may review any underlying financial statements or other records upon which the cost reports are based. The department shall have the authority to accept or reject audits which fail to satisfy the requirements of this section or which are performed by auditors who violate any of the rules of this section. Department audits of the cost reports and patient trust accounts shall be conducted as follows:

(1) Each year the department will provide for field audit of the cost report, statistical reports, and patient trust funds, as established by RCW 74.46.700, of all or a sample of reporting facilities selected by profiles of costs, exceptions,

contract terminations, upon special requests or other factors determined by the department.

(2) ~~Beginning with audits for calendar year ((1983, up to one hundred percent of contractors cost reports and patient care trust fund accounts shall be audited: PROVIDED, That each contractor shall be audited at least once in every three year period))~~ 1993, contractors' cost reports and resident care trust fund accounts shall be audited periodically as determined necessary by the department.

(3) ~~Facilities ((shall be selected for sample audits within one hundred twenty days of submission of a correct and complete cost report, and)) shall be ((so)) informed of the department's intent to audit at least ten working days before the commencement of an audit of a facility's cost report or resident trust fund accounts. ((Audits so scheduled shall be completed within one year of selection:))~~

(4) Where an audit for a recent reporting or trust fund period discloses material discrepancies, undocumented costs or mishandling of patient trust funds, auditors may examine prior unaudited periods, for indication of similar material discrepancies, undocumented costs or mishandling of patient trust funds for not more than two reporting periods preceding the facility reporting period selected in the sample.

(5) The audit will result in a schedule summarizing appropriate adjustments to the contractor's cost report. These adjustments will include an explanation for the adjustment, the general ledger account or account group, and the dollar amount. Patient trust fund audits shall be reported separately and in accordance with RCW 74.46.700.

(6) Audits shall meet generally accepted auditing standards as promulgated by the American institute of certified public accountants and the standards for audit of governmental organizations, programs, activities and functions as published by the comptroller general of the United States. Audits shall be supervised or reviewed by a certified public accountant.

(7) No auditor under contract with or employed by the department to perform audits in accordance with the provisions of this chapter shall:

(a) Have had direct or indirect financial interest in the ownership, financing or operation of a nursing home in this state during the period covered by the audits;

(b) Acquire or commit to acquire any direct or indirect financial interest in the ownership, financing or operation of a nursing home in this state during said auditor's employment or contract with the department;

(c) Accept as a client any nursing home in this state during or within two years of termination of said auditor's contract or employment with the department.

(8) Audits shall be conducted by auditors who are otherwise independent as determined by the standards of independence established by the American institute of certified public accountants.

(9) All audit rules adopted after March 31, 1984, shall be published before the beginning of the cost report year to which they apply.

**Sec. 92.** RCW 74.46.115 and 1983 1st ex.s. c 67 s 6 are each amended to read as follows:

The office of the state auditor shall ~~((annually))~~ at least once in every three state fiscal years commencing July 1, 1995, review the performance of the department to ensure that departmental audits are conducted in accordance with generally accepted ~~((accounting principles and))~~ auditing standards.

**Sec. 93.** RCW 74.46.160 and 1985 c 361 s 12 are each amended to read as follows:

(1) Within one hundred twenty days after receipt of the proposed preliminary settlement, the department shall verify the accuracy of the proposal and shall issue a preliminary settlement report by cost center to the contractor which fully substantiates disallowed costs, refunds, underpayments, or adjustments to the proposed preliminary settlement.

(2) After completion of the audit process, including exhaustion or mutual termination of ~~((reviews and))~~ any administrative appeals ((of)) or exception procedure used by the contractor to contest audit findings or determinations, but not including any judicial review available to and commenced by the contractor, the department will submit a final settlement report by cost center to the contractor which fully substantiates disallowed costs, refunds, underpayments, or adjustments to the contractor's cost report. ~~((Where the contractor is pursuing judicial or administrative review or appeal in good faith regarding audit findings or determinations, the department may issue a partial final settlement to recover overpayments based on audit adjustments not in dispute.))~~

**Sec. 94.** RCW 74.46.170 and 1983 1st ex.s. c 67 s 10 are each amended to read as follows:

(1) A contractor shall have ~~((thirty))~~ a period of days, to be established by the department in rule, after the date the preliminary or final settlement report is submitted to the contractor to contest a settlement determination under the administrative appeals or exception procedure established by the department pursuant to RCW 74.46.780. Any such administrative review of a settlement shall be limited to calculation of the settlement or the application of settlement principles and rules, or both, and shall not examine or reexamine payment rate or audit issues. After the ~~((thirty day))~~ period established by the department in rule has expired, a preliminary or final settlement will not be subject to review.

(2) A preliminary settlement report as issued by the department will become the final settlement report if no audit has been scheduled within twelve calendar months following the department's issuance of a preliminary settlement report to the contractor.

(3) A settlement will be reopened if necessary to make adjustments for findings resulting from an audit performed pursuant to RCW 74.46.105(4).

Sec. 95. RCW 74.46.180 and 1993 sp.s. c 13 s 2 are each amended to read as follows:

(1) The ((state)) department shall make payment of any underpayments to which a contractor is entitled as determined by the department under the provisions of this chapter within ((thirty)) sixty days after the date the preliminary or final settlement report is submitted to the contractor and the department shall pay interest at the rate of one percent per month on any unpaid preliminary or final settlement balance still due the contractor after such time accrue from sixty days after the preliminary or final settlement report is submitted to the contractor, and no interest shall accrue or be paid for any period prior to this date: PROVIDED, That any increase in a preliminary or final settlement amount due the contractor resulting from a final administrative or judicial decision shall also bear interest until paid at the rate of one percent per month, accruing from sixty days after the preliminary or final settlement was submitted to the contractor. The department shall pay no interest on amounts due a contractor other than amounts determined by preliminary or final settlement as provided in this subsection.

(2) A contractor found, under a preliminary or final settlement issued by the department, to have received either overpayments or erroneous payments ((under a preliminary or final settlement)), to which the contractor is not entitled as determined by the department under the provisions of this chapter, shall refund such erroneous payments or overpayments to the ((state)) department within ((thirty)) sixty days after the date the preliminary or final settlement report is submitted to the contractor, subject to the provisions of subsections (3), (4), and ((7)) (6) of this section, PROVIDED, That for all preliminary or final settlements issued on and after July 1, 1995, regardless of what period a settlement covers, neither a timely filed request to pursue the department's administrative appeals or exception procedure nor commencement of judicial review, as may be available to the contractor in law, contesting the settlement, erroneous payments or overpayments shall delay recovery. A contractor shall pay interest at the rate of one percent per month on any unpaid preliminary or final settlement balance still due the department sixty days after the preliminary or final settlement report is submitted to the contractor, accruing from this date: PROVIDED Further That the de artment shall refund intergst collected for preliminary and settlement amounts the contractor was entitled to retain as subsequently determined by final administrative or judicial decision.

(3) Within the cost centers of nursing services and food, all savings resulting from the respective allowable costs being lower than the respective reimbursement rate paid to the contractor during the report period shall be refunded to the department. However, in computing a preliminary or final settlement, savings in a cost center may be shifted to cover a deficit in another cost center up to the amount of any savings. Not more than twenty percent of the rate in a cost center may be shifted into that cost center and no shifting may be made into the property cost center. There shall be no shifting out of nursing services, and

savings in food shall be shifted only to cover deficits in the nursing services cost center. There shall be no shifting from the operational to the administrative cost center.

(4) Within the administrative and property cost centers, the contractor shall retain at least fifty percent, but not more than seventy-five percent, of any savings resulting from the respective audited allowable costs being lower than the respective reimbursement rates paid to the contractor during the report period multiplied by the number of authorized medical care client days in which said rates were in effect, except that no savings may be retained if reported costs in the administrative and property cost centers exceed audited allowable costs in these cost areas by a total of ten cents or more per patient day. The secretary, by rule, shall establish the basis for the specific percentages of savings to the contractors. Such rules may provide for differences in the percentages allowed for each cost center to individual facilities based on performance measures related to administrative efficiency.

(5) All return on investment rate payments provided by RCW 74.46.530 shall be retained by the contractor to the extent net invested funds are substantiated by department field audit. Any industrial insurance dividend or premium discount under RCW 51.16.035 shall be retained by the contractor to the extent that such dividend or premium discount is attributable to the contractor's private patients.

(6) In the event the contractor fails to make repayment in the time provided in subsection (2) of this section, the department shall either:

(a) Deduct the amount of refund due the department, plus any interest accrued under ~~((RCW 43.20B.695))~~ subsection (2) of this section, from payment amounts due the contractor; or

(b) In the instance the contract has been terminated, (i) deduct the amount of refund due the department, plus interest assessed at the rate and in the manner provided in ~~((RCW 43.20B.695))~~ subsection (2) of this section, from any payments due; or (ii) recover the amount due, plus any interest assessed under ~~((RCW 43.20B.695,))~~ subsection (2) of this section from security posted with or otherwise obtained by the department or by any other lawful means.

(7) ~~((Where the facility is pursuing timely filed judicial or administrative remedies in good faith regarding settlement issues, the contractor need not refund nor shall the department withhold from the facility current payment amounts the department claims to be due from the facility but which are specifically disputed by the contractor.))~~ For all erroneous payments and overpayments determined by preliminary or final settlements issued before July 1, 1995, and not yet recovered by the department because they are specifically disputed by the contractor in a timely filed administrative or judicial review, if the judicial or administrative remedy sought by the facility is not granted after all appeals are exhausted or mutually terminated, the facility shall make payment of such amounts due plus interest accrued from the date of filing of the appeal, as payable on judgments, within sixty days of the date such decision is made.

Sec. 96. RCW 74.46.190 and 1983 1st ex.s. c 67 s 12 are each amended to read as follows:

(1) The substance of a transaction will prevail over its form.

(2) All documented costs which are ordinary, necessary, related to care of medical care recipients, and not expressly unallowable, are to be allowable. Costs of providing ancillary care are allowable, subject to any applicable cost center limit contained in this chapter, provided documentation establishes the costs were incurred for medical care recipients and other sources of payment to which recipients may be legally entitled, such as private insurance or medicare, were first fully utilized.

(3) Costs applicable to services, facilities, and supplies furnished to the provider by related organizations are allowable but at the cost to the related organization, provided they do not exceed the price of comparable services, facilities, or supplies that could be purchased elsewhere.

(4) Beginning January 1, 1985, the payment for property usage is to be independent of ownership structure and financing arrangements.

(5) Beginning July 1, 1995, allowable costs shall not include costs reported by a nursing care provider for a prior period to the extent such costs, due to statutory exemption, will not be incurred by the nursing facility in the period to be covered by the rate.

Sec. 97. RCW 74.46.410 and 1993 sp.s. c 13 s 6 are each amended to read as follows:

(1) Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in care services established by the department under this chapter;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Interest costs other than those provided by RCW 74.46.290 on and after January 1, 1985;



(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or in violation of principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the cost-related reimbursement system set forth in this chapter;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts of non-Title XIX recipients. Bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish that reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established that there was no likelihood of recovery at any time in the future;

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;

(m) Vending machine expenses;

(n) Expenses for barber or beautician services not included in routine care;

(o) Funeral and burial expenses;

(p) Costs of gift shop operations and inventory;

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs;

(r) Fund-raising expenses, except those directly related to the patient activity program;

(s) Penalties and fines;

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;

(u) Federal, state, and other income taxes;

(v) Costs of special care services except where authorized by the department;

(w) Expenses of key-man insurance and other insurance or retirement plans not made available to all employees;

(x) Expenses of profit-sharing plans;

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;

(z) Personal expenses and allowances of owners or relatives;

(aa) All expenses of maintaining professional licenses or membership in professional organizations;

(bb) Costs related to agreements not to compete;

(cc) Amortization of goodwill;

(dd) Expenses related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;

(ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands;

(ff) Legal and consultant fees of a contractor or contractors in connection with a lawsuit against the department;

(gg) Lease acquisition costs and other intangibles not related to patient care;

(hh) All rental or lease costs other than those provided in RCW 74.46.300 on and after January 1, 1985;

(ii) Postsurvey charges incurred by the facility as a result of subsequent inspections under RCW 18.51.050 which occur beyond the first postsurvey visit during the certification survey calendar year;

(jj) Compensation paid for any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement in excess of the amount of compensation paid for such hours of nursing care service had they been paid at the average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification at the same nursing facility, as reported in the most recent cost report period;

(kk) For all partial or whole rate periods after July 17, 1984, costs of land and depreciable assets that cannot be reimbursed under the Deficit Reduction Act of 1984 and implementing state statutory and regulatory provisions;

(ll) Costs reported by the contractor for a prior period to the extent such costs, due to statutory exemption, will not be incurred by the contractor in the period to be covered by the rate.

NEW SECTION. Sec. 98. A new section is added to chapter 74.46 RCW to read as follows:

The legislature intends to adopt a new system for establishing nursing home payment rates no later than July 1, 1998. Any payments to nursing homes for services provided after June 30, 1998, shall be based on the new system. The system shall include case-mix reimbursement methods for paying for nursing services and shall match payments to patient care needs, while providing incentives for cost control and efficiency. To that end:

(1) In consultation with nursing facility provider associations, consumer groups, and the legislative budget committee, the department of social and health services shall design and develop alternative methods for matching nursing facility payments to patient care needs, while providing incentives for cost control and efficiency.

(2) The department shall report to the fiscal and health care policy committees of the legislature on the projected benefits and costs of these alternative methods by October 15th of 1995, 1996, and 1997. The October 1996 report shall additionally include a recommended time line for implementing the new payment system no later than July 1, 1998.

(3) The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1998:

(a) RCW 74.46.420 and 1993 sp.s. c 13 s 7, 1985 c 361 s 18, 1983 1st ex.s. c 67 s 18, & 1980 c 177 s 42;

(b) RCW 74.46.430 and 1993 sp.s. c 13 s 8, 1987 2nd ex.s. c 1 s 2, 1987 c 476 s 2, 1983 1st ex.s. c 67 s 19, & 1980 c 177 s 43;

(c) RCW 74.46.440 and 1989 c 372 s 16 & 1980 c 177 s 44;

(d) RCW 74.46.450 and 1993 sp.s. c 13 s 9, 1983 1st ex.s. c 67 s 20, & 1980 c 177 s 45;

(e) RCW 74.46.460 and 1993 sp.s. c 13 s 10, 1987 c 476 s 3, 1985 c 361 s 15, 1983 1st ex.s. c 67 s 21, 1981 1st ex.s. c 2 s 5, & 1980 c 177 s 46;

(f) RCW 74.46.465 and 1987 c 476 s 8;

(g) RCW 74.46.470 and 1993 sp.s. c 13 s 11, 1987 c 476 s 4, 1983 1st ex.s. c 67 s 22, & 1980 c 177 s 47;

(h) RCW 74.46.481 and 1993 sp.s. c 13 s 12, 1991 sp.s. c 8 s 16, 1990 c 207 s 1, 1987 c 476 s 5, & 1983 1st ex.s. c 67 s 24;

(i) RCW 74.46.490 and 1993 sp.s. c 13 s 13, 1983 1st ex.s. c 67 s 25, 1981 1st ex.s. c 2 s 6, & 1980 c 177 s 49;

(j) RCW 74.46.500 and 1993 sp.s. c 13 s 14, 1992 c 182 s 1, & 1980 c 177 s 50;

(k) RCW 74.46.505 and 1993 sp.s. c 13 s 15;

(l) RCW 74.46.510 and 1993 sp.s. c 13 s 16 & 1980 c 177 s 51;

(m) RCW 74.46.530 and 1993 sp.s. c 13 s 17, 1991 sp.s. c 8 s 17, 1985 c 361 s 17, 1983 1st ex.s. c 67 s 28, 1981 1st ex.s. c 2 s 7, & 1980 c 177 s 53;

(n) RCW 74.46.540 and 1980 c 177 s 54;

(o) RCW 74.46.550 and 1983 1st ex.s. c 67 s 29 & 1980 c 177 s 55;

(p) RCW 74.46.560 and 1983 1st ex.s. c 67 s 30 & 1980 c 177 s 56;

(q) RCW 74.46.570 and 1983 1st ex.s. c 67 s 31 & 1980 c 177 s 57;

(r) RCW 74.46.580 and 1983 1st ex.s. c 67 s 32 & 1980 c 177 s 58; and

(s) RCW 74.46.590 and 1980 c 177 s 59.

**Sec. 99.** RCW 74.46.420 and 1993 sp.s. c 13 s 7 are each amended to read as follows:

The following principles are inherent in RCW 74.46.430 through 74.46.590:

(1) ~~((Reimbursement))~~ Effective July 1, 1995, through June 30, 1998, nursing facility payment rates will be set or adjusted for economic trends and conditions annually and prospectively on a per ((patient)) resident day basis ((on a two-year cycle corresponding to each state biennium; and)), in accordance with the principles and methods set forth in this chapter, to take effect July 1st of each year.

~~(2) ((The rates, in the nursing services, food, administrative, and operational cost centers, shall be adjusted downward or upward when set effective July 1 of the first fiscal year of the two year rate setting cycle and adjusted again downward or upward effective July 1 of the second fiscal year of the rate setting cycle for economic trends and conditions)) July 1, 1995, component rates in the nursing services, food, administrative, and operational cost centers shall be cost-rebased utilizing desk-reviewed and adjusted costs reported for calendar year 1994, for all nursing facilities submitting at least six months of cost data. Such component rates for July 1, 1995, shall also be adjusted downward or upward for economic trends and conditions as provided in this section. Component rates in property and return on investment (ROI) shall be reset annually as provided in this chapter.~~

(3) The July 1, 1995, component rates ((for the first year of each biennium)) in the nursing services, food, administrative, and operational cost centers shall be adjusted for economic trends and conditions by the change in the implicit price deflator for personal consumption expenditures index published by the bureau of labor statistics of the United States department of labor (IPD index). The period used to measure the IPD increase or decrease to be applied to these ((first year biennial)) July 1, 1995, rate((s)) components shall be ((the)) calendar year ((preceding the July 1 commencement of the state biennium)) 1994.

~~(4) ((The July 1 rates for the second year of each biennium shall be adjusted)) July 1, 1996, component rates in the nursing services, food, administrative, and operational cost centers shall not be cost-rebased, but shall be the component rates assigned to each nursing facility in effect on June 30, 1996, adjusted downward or upward for economic trends and conditions by the change in the nursing home input price index without capital costs published by the health care financing administration of the department of health and human services((;)) (HCFA index((, however, any increase shall be multiplied by one and one half))). The period to be used to measure the HCFA index increase ((to be multiplied by one and one half and applied)) or decrease to be applied to these ((second year biennial)) June 30, 1996, component rates shall ((also)) be ((the)) calendar year ((preceding the July 1 commencement of the state biennium: PROVIDED, However, That in the event the change in the HCFA index measured over the following calendar year, the one terminating six months after the start of the state biennium, is twenty five percent greater or less than the change in the HCFA index measured over the calendar year preceding commencement of the state biennium, the department shall use the HCFA index increase multiplied by one and one half or decrease in such following calendar year to inflate or decrease nursing facilities' nursing services, food, administrative, and operational rates for July 1 of the second biennial year)) 1994.~~

(5) July 1, 1997, component rates in the nursing services, food, administrative, and operational cost centers shall not be cost-rebased, hut shall be the component rates assigned to each nursing facility in effect on June 30, 1997, adjusted downward or upward for economic trends and conditions by the change

in the nursing home input price index without capital costs published by the health care financing administration of the department of health and human services (HCFA index), multiplied by a factor of 1.25. The period to be used to measure the HCFA increase or decrease to be applied to these rate components for July 1, 1997, rate setting shall be calendar year 1996.

(6) If either the implicit price deflator (IPD) index or the health care financing administration (HCFA) index specified in this section ceases to be published in the future, the department shall select ((by rule)) and use in its place or their place one or more measures of change from the same or an alternate source or sources ((for)) utilizing the same or comparable time periods specified in this section.

**Sec. 100.** RCW 74.46.430 and 1993 sp.s. c 13 s 8 are each amended to read as follows:

(1) The department, as provided by this chapter, will determine prospective ((cost-related reimbursement)) payment rates for services provided to medical care recipients. Each rate so determined shall represent the contractor's maximum compensation within each cost center and for return on investment for each ((patient)) resident day for such medical care recipient.

(2) ((As required,)) The department may modify such maximum per ((patient)) resident day rates, consistent with this chapter, pursuant to the administrative ((review provisions of)) appeals or exception procedure authorized by RCW 74.46.780.

(3) For July 1, 1995, and all following rates, the maximum prospective ((reimbursement)) component payment rates for the nursing services, food, administrative, operational, and property cost centers, and the return on investment (ROI) component rate for each nursing facility shall be established based upon a minimum licensed bed facility occupancy level of ((eighty-five)) ninety percent, except for rate adjustments as provided for in RCW 74.46.460(6).

(4) The minimum ninety percent facility occupancy shall be used to calculate individual rates, to calculate the median cost limits (MCLs) for the metropolitan statistical area (MSA) and nonmetropolitan statistical area (non-MSA) peer groups, and to array facilities by costs in calculating the variable return portion of the return on investment rate component (ROI).

(5) All contractors shall be required to adjust and maintain wages for all employees to a minimum hourly wage of four dollars and seventy-six cents per hour beginning January 1, 1988, and five dollars and fifteen cents per hour beginning January 1, 1989.

**Sec. 101.** RCW 74.46.450 and 1993 sp.s. c 13 s 9 are each amended to read as follows:

(1) Prospective reimbursement rates for a new contractor, as defined by the department in rule, will be established within sixty days following receipt by the department of the properly completed projected budget required by RCW 74.46.670. Such reimbursement rates will become effective as of the effective

date of the contract and shall remain in effect until ~~((adjusted or))~~ the new contractor's rate in all cost areas can be reset ((as provided in this chapter)) effective July 1st using a cost report of that contractor containing at least six months' data from the prior calendar year, regardless of whether reported costs for other contractors for the prior calendar year in question will be used to rebase their July 1st rates.

(2) Such reimbursement rates will be based on ~~((the contractor's projected cost of operations and on costs and))~~ payment rates of the prior contractor, if any, or of other contractors in comparable circumstances.

(3) ~~((If a properly completed budget is not received at least sixty days prior to the effective date of the contract,))~~ The department will establish ((preliminary)) a new contractor's initial component rates based on the ((other)) factors specified in subsections (2) and (4) of this section. These ((preliminary)) initial rates will remain in effect until adjusted or reset as provided in this chapter.

(4) ~~The department is authorized to develop policies and procedures in rule ((to address the computation of rates for the first and second fiscal years of each biennium, including steps necessary to prorate rate adjustments for economic trends and conditions as authorized in RCW 74.46.420, for contractors having less than twelve months of cost report data for the prior calendar year))~~ that comply with the policies and purposes of this chapter to establish factors by which a new contractor's rate will be set, for example, occupancy level or proration of rate adjustments for economic trends and conditions as authorized in RCW 74.46.420. However, a new contractor, whose medicaid contract was effective in calendar year 1994; and whose nursing facility occupancy during calendar year 1994 increased by at least five percent over that of the prior owner, shall have its July 1995 rate for nursing services, food, administrative, operational, and property cost centers, and the return on investment (ROI) based upon a minimum facility occupancy of eighty-five percent.

**Sec. 102.** RCW 74.46.460 and 1993 sp.s. c 13 s 10 are each amended to read as follows:

(1) Each contractor's ~~((reimbursement))~~ nursing services, food, administrative, and operational component payment rates will be ((determined or)) adjusted for economic trends and conditions prospectively at least once during each calendar year, as provided in this chapter, to be effective July 1st((-)); PROVIDED, That except for the rates of new contractors as defined by the department, a ((contractor's)) nursing facility's cost-rebased rate for ((the first fiscal year of each biennium)) July 1, 1995, must be established upon ((its)) the facility's own ((prior calendar period)) cost report of at least six months of adjusted and/or audited cost data from the calendar year 1994.

(2) Subject to the provisions of subsections (3) through (6) of this section, rates may be adjusted ((as determined)) by the department at the request of the nursing facility to cover the medicaid share of incremental costs necessary to address and take into account variations in the distribution of all medicaid and nonmedicaid patient classifications or changes in all medicaid or nonmedicaid

patient characteristics from the prior reporting year, program changes required by the department, or changes in staffing levels at a facility required by the department. Rates may also be adjusted to cover costs associated with placing a nursing home in receivership which costs are not covered by the rate of the former contractor, including: Compensation of the receiver, reasonable expenses of receivership and transition of control, and costs incurred by the receiver in carrying out court instructions or rectifying deficiencies found. Rates shall be adjusted as provided in this section for any capitalized additions or replacements made as a condition for licensure or certification. Rates shall be adjusted as provided in this section for capitalized improvements done under RCW 74.46.465.

(3) Except for rate adjustments granted for economic trends and conditions as authorized in this chapter to be effective each July 1st, all rate adjustments granted by the department for any other purpose, including those granted for capitalized additions or replacements or for staffing, whether made or not made as a condition of licensure or certification, shall be limited in total amount each fiscal year to the total current legislative appropriation, if any, specifically made to fund the medicaid share of such adjustments for the fiscal year.

(4) The department is authorized to adopt rules to ensure that funding granted for additional staffing will be cost-effective in providing increased quantity and quality of services to nursing facility residents and to ensure that spending limitations will not be exceeded.

(5) Funds disbursed representing rate adjustments granted under authority of this section and not spent by the contractor for the purposes granted are subject to immediate recovery by the department by means of recoupment from current contract payments or any other means authorized by law and contractors shall pay interest on such unused or misused funds at the rate of one percent per month from the date of disbursement to the date of recovery. If a contractor requests an administrative review of a department recovery action under rules established under RCW 74.46.780, such request shall not stay recoupment from current facility contract payments or other recovery.

(6) All rate component adjustments to fund the medicaid share of nursing facility new construction or refurbishing projects costing in excess of one million two hundred thousand dollars, or projects requiring state or federal approval, shall be based upon a minimum facility occupancy of eighty-five percent for the nursing services, food, administrative, operational, and property cost centers, and the return on investment (ROI), during the initial rate period in which the adjustment is granted, and shall be based upon a minimum facility occupancy of ninety percent for the nursing services, food, administrative, operational, and property cost centers, and the return on investment (ROI), for all rate periods thereafter.

**Sec. 103.** RCW 74.46.470 and 1993 sp.s. c 13 s 11 are each amended to read as follows:

(1) A contractor's ((reimbursement)) nursing facility per resident day component rates for medical care recipients ((with)) shall be determined as provided in this chapter utilizing net invested funds and desk-reviewed cost report data within the following cost centers:

- (a) Nursing services;
- (b) Food;
- (c) Administrative;
- (d) Operational; and
- (e) Property.

(2) There shall be for the time period January 1988 through June 1990 only an enhancement cost center established to reimburse contractors for specific legislatively authorized enhancements for nonadministrative wages and benefits to ensure that such enhancements are used exclusively for the legislatively authorized purposes. For purposes of settlement, funds appropriated to this cost center shall only be used for expenditures for which the legislative authorization is granted. Such funds may be used only in the following circumstances:

(a) The contractor has increased expenditures for which legislative authorization is granted to at least the highest level paid in any of the last three cost years, plus, beginning July 1, 1987, any percentage inflation adjustment as was granted each year under RCW 74.46.495; and

(b) All funds shifted from the enhancement cost center are shown to have been expended for legislatively authorized enhancements.

(3) If the contractor does not spend the amount appropriated to this cost center in the legislatively authorized manner, then the amounts not appropriately spent shall be recouped at preliminary or final settlement pursuant to RCW 74.46.160.

(4) For purposes of this section, "nonadministrative wages and benefits" means wages and payroll taxes paid with respect to, and the employer share of the cost of benefits provided to, employees in job classes specified in an appropriation, which may not include administrators, assistant administrators, or administrators in training.

(5) Amounts expended in the enhancement cost center in excess of the minimum wage established under RCW 74.46.430 are subject to all provisions contained in this chapter.

**Sec. 104.** RCW 74.46.481 and 1993 sp.s. c 13 s 12 are each amended to read as follows:

(1) The nursing services cost center shall include for reporting and audit purposes 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, and the cost of nursing supplies. The department shall adopt by administrative rule a definition of "related care". For rates effective after June 30, 1991, nursing services costs, as reimbursed within this chapter, shall not include costs of any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service



contract arrangement in excess of the amount of compensation paid for such hours of nursing care service had they been paid at the average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification at the same nursing facility, as reported in the most recent cost report period.

(2) The department shall adopt through 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. A regression calculated shall be effective for the entire biennium.

(4) No facility shall receive reimbursement for nursing staff levels in excess of the limit. However, nursing staff levels established under subsection (3) of this section shall not apply to the nursing services cost center reimbursement rate only 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.

(5) ~~((Every two years when rates are set at the beginning of each new biennium))~~ For July 1, 1995, rate setting only, the department shall divide into two peer groups nursing facilities located in the state of Washington providing services to medicaid residents: (a) Those facilities located within a metropolitan statistical area as defined and determined by the United States office of management and budget or other applicable federal office (MSA) and (b) those not located in such an area (non-MSA). The facilities in each peer group shall then be arrayed from lowest to highest by magnitude of per ~~((patient))~~ resident day desk-reviewed, adjusted nursing services cost from the ~~((prior))~~ 1994 calendar report year, regardless of whether any such adjustments are contested by the nursing facility, and the median or fiftieth percentile cost for each peer group shall be determined. Nursing services component rates for facilities within each peer group ~~((for the first year of the biennium))~~ shall be set at the lower of

the facility's desk-reviewed, adjusted per ~~((patient))~~ resident day nursing services cost from the ~~((prior))~~ 1994 report period or the median cost for the facility's peer group, utilizing the same calendar year report data plus twenty-five percent. This rate shall be reduced or inflated as authorized by RCW 74.46.420. However, the per patient day peer group median cost plus twenty-five percent limit shall not apply to the nursing services cost center reimbursement rate only 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.

~~(6) ((If a nursing facility is impacted by the limit authorized in subsection (5) of this section, it shall not receive a prospective rate in nursing services for July 1, 1993, less than the same facility's prospective rate in nursing services as of June 30, 1993, adjusted by any increase in the implicit price deflator for personal consumption expenditures, IPD index, as measured over the period authorized by RCW 74.46.420(3)).~~

~~(7)) For rates effective July 1, 1996, a nursing facility's noncost-rebased component rate in nursing services ((for the second year of each biennium)) shall be that facility's nursing services component rate ((as of July 1 of the first year of that biennium)) existing on June 30, 1996, reduced or inflated as authorized by RCW 74.46.420. ((The alternating procedures prescribed in this section for a facility's two July 1 nursing services rates occurring within each biennium shall be followed in the same order for each succeeding biennium.)) The July 1, 1996, nursing services component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective nursing services rate as of June 30, 1996, excluding any rate increases granted pursuant to RCW 74.46.460.~~

(7) For rates effective July 1, 1997, a nursing facility's noncost-rebased component rate in nursing services shall be that facility's nursing services component rate existing on June 30, 1997, reduced or inflated as authorized by RCW 74.46.420. The July 1, 1997, nursing services component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective nursing services rate as of June 30, 1997, excluding any rate increases granted pursuant to RCW 74.46.460.

(8) Median cost((s)) limits for peer groups shall be calculated initially for July 1, 1995, rate setting as provided in this chapter on the basis of ((the most recent)) adjusted 1994 nursing services cost report information available to the department prior to the calculation of the new rates for July 1, 1995 ((of the first fiscal year of each biennium)), regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median costs for peer groups shall be recalculated as provided in this chapter on the basis of the most recent adjusted cost information available to the department on October 31, 1995 ((of the first fiscal year of each biennium)), and shall apply retroactively to ((the prior)) July 1, 1995, rates, regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median cost((s)) limits, once calculated using October 31, 1995, adjusted cost informa-

tion shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

(9) The department is authorized to determine on a systematic basis facilities with unmet patient care service needs. The department may increase the nursing services cost center prospective rate for a facility beyond the level determined in accordance with subsection (6) of this section if the facility's actual and reported nursing staffing is one standard error or more below predicted staffing as determined according to the method selected pursuant to subsection (3) of this section and the facility has unmet patient care service needs: PROVIDED, That prospective rate increases authorized by this subsection shall be funded only from legislative appropriations made for this purpose during the periods authorized by such appropriations or other laws and the increases shall be conditioned on specified improvements in patient care at such facilities.

(10) The department shall establish a method for identifying patients with exceptional care requirements and a method for establishing or negotiating on a consistent basis rates for such patients.

(11) The department, in consultation with interested parties, shall adopt rules to establish the criteria the department will use in reviewing any requests by a contractor for a prospective rate adjustment to be used to increase the number of nursing staff. These rules shall also specify the time period for submission and review of staffing requests: PROVIDED, That a decision on a staffing request shall not take longer than sixty days from the date the department receives such a complete request. In establishing the criteria, the department may consider, but is not limited to, the following:

(a) Increases in debility levels of contractors' residents determined in accordance with the department's assessment and reporting procedures and requirements utilizing the minimum data set;

(b) Staffing patterns for similar facilities in the same peer group;

(c) Physical plant of contractor; and

(d) Survey, inspection of care, and department consultation results.

**Sec. 105.** RCW 74.46.490 and 1993 sp.s. c 13 s 13 are each amended to read as follows:

(1) The food cost center shall include for reporting purposes all costs for bulk and raw food and beverages purchased for the dietary needs of medical care recipients.

(2) ~~((Every two years when rates are set at the beginning of each new biennium))~~ For July 1, 1995, rate setting only, the department shall divide into two peer groups nursing facilities located in the state of Washington providing services to medicaid residents: (a) Those facilities located within a metropolitan statistical area as defined and determined by the United States office of management and budget or other applicable federal office (MSA) and (b) those not located in such an area (non-MSA). The facilities in each peer group shall then be arrayed from lowest to highest by magnitude of per ~~((patient))~~ resident day desk-reviewed, adjusted food cost from the ~~((prior))~~ 1994 calendar report

year, regardless of whether any such adjustments are contested by the nursing facility, and the median or fiftieth percentile cost for each peer group shall be determined. Food component rates for facilities within each peer group (~~for the first year of the biennium~~) shall be set at the lower of the facility's desk-reviewed, adjusted per (~~patient~~) resident day food cost from the (~~prior~~) 1994 report period or the median cost for the facility's peer group, using the same calendar year report data, plus twenty-five percent. This rate shall be reduced or inflated as authorized by RCW 74.46.420.

(3) For rates effective July 1, 1996, a nursing facility's noncost-rebased food component rate (~~for the second year of each biennium~~) shall be that facility's food component rate (~~as of July 1 of the first year of that biennium~~) existing on June 30, 1996, reduced or inflated as authorized by RCW 74.46.420. (~~The alternating procedures prescribed in this section for a facility's two July 1 food rates occurring within each biennium shall be followed in the same order for each succeeding biennium.~~) The July 1, 1996, food component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective food component rate as of June 30, 1996, excluding any rate increases granted pursuant to RCW 74.46.460.

(4) For rates effective July 1, 1997, a nursing facility's noncost-rebased food component rate shall be that facility's food component rate existing on June 30, 1997, reduced or inflated as authorized by RCW 74.46.420. The July 1, 1997, food component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective food component rate as of June 30, 1997, excluding any rate increases granted pursuant to RCW 74.46.460.

~~((4))~~ (5) Median cost((s)) limits for peer groups shall be calculated initially for July 1, 1995, rate setting as provided in this chapter on the basis of (~~the most recent~~) adjusted 1994 food cost report information available to the department prior to the calculation of the new rates for July 1, 1995 (~~of the first fiscal year of each biennium~~), regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median costs for peer groups shall be recalculated as provided in this chapter on the basis of the most recent adjusted cost information available to the department on October 31, 1995 (~~of the first fiscal year of each biennium~~), and shall apply retroactively to (~~the prior~~) July 1, 1995, rates, regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median cost((s)) limits, once calculated utilizing October 31, 1995, adjusted cost information, shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

**Sec. 106.** RCW 74.46.500 and 1993 sp.s. c 13 s 14 are each amended to read as follows:

(1) The administrative cost center shall include for cost reporting purposes all administrative, oversight, and management costs whether facility on-site or allocated in accordance with a department-approved joint-cost allocation methodology. Such costs shall be identical to the cost report line item costs

categorized under "general and administrative" in the "administration and operations" combined cost center existing prior to January 1, 1993, except for nursing supplies and purchased medical records.

(2) ~~((Every two years when rates are set at the beginning of each new biennium))~~ For July 1, 1995, rate setting only, the department shall divide into two peer groups nursing facilities located in the state of Washington providing services to medicaid residents: (a) Those facilities located within a metropolitan statistical area as defined and determined by the United States office of management and budget or other applicable federal office (MSA) and (b) those not located in such an area (non-MSA). The facilities in each peer group shall then be arrayed from lowest to highest by magnitude of per ~~((patient))~~ resident day desk-reviewed, adjusted administrative cost from the ~~((prior))~~ 1994 calendar report year, regardless of whether any such adjustments are contested by the nursing facility, and the median or fiftieth percentile cost for each peer group shall be determined. Administrative component rates for facilities within each peer group ~~((for the first year of the biennium))~~ shall be set at the lower of the facility's desk-reviewed, adjusted per ~~((patient))~~ resident day administrative cost from the ~~((prior))~~ 1994 report period or the median cost for the facility's peer group, utilizing the same calendar year report data, plus ten percent. This rate shall be reduced or inflated as authorized by RCW 74.46.420.

(3) For rates effective July 1, 1996, a nursing facility's noncost-rebased administrative component rate ~~((for the second year of each biennium))~~ shall be that facility's administrative component rate ~~((as of July 1 of the first year of that biennium))~~ existing on June 30, 1996, reduced or inflated as authorized by RCW 74.46.420. ~~((The alternating procedures prescribed in this section for a facility's two July 1 administrative rates occurring within each biennium shall be followed in the same order for each succeeding biennium.))~~ The July 1, 1996, administrative component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective administrative component rate as of June 30, 1996, excluding any rate increases granted pursuant to RCW 74.46.460.

(4) For rates effective July 1, 1997, a nursing facility's noncost-rebased administrative component rate shall be that facility's administrative component rate existing on June 30, 1997, reduced or inflated as authorized by RCW 74.46.420. The Jul 1 1997 administrative component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective administrative component rate as of June 30 1997, excluding any rate increases granted pursuant to RCW 74.46.460.

~~((+))~~ (5) Median cost(s) limits for peer groups shall be calculated initially for July 1, 1995, rate setting as provided in this chapter on the basis of ~~((the most recent))~~ adjusted 1994 administrative cost report information available to the department prior to the calculation of the new rates for July 1, 1995 ~~((of the first fiscal year of each biennium))~~, regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median costs for peer groups shall be recalculated as provided in this chapter on the basis of

the most recent adjusted cost information available to the department on October 31, 1995 ~~((of the first fiscal year of each biennium))~~, and shall apply retroactively to ~~((the prior))~~ July 1, 1995, rates, regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median cost~~(s)~~ limits, once calculated utilizing October 31, 1995, adjusted cost information, shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

**Sec. 107.** RCW 74.46.505 and 1993 sp.s. c 13 s 15 are each amended to read as follows:

(1) The operational cost center shall include for cost reporting purposes all allowable costs of the daily operation of the facility not included in nursing services and related care, food, administrative, or property costs, whether such costs are facility on-site or allocated in accordance with a department-approved joint-cost allocation methodology.

(2) ~~((Every two years when rates are set at the beginning of each new biennium))~~ For July 1, 1995, rate setting only, the department shall divide into two peer groups nursing facilities located in the state of Washington providing services to medicaid residents: (a) Those facilities located within a metropolitan statistical area as defined and determined by the United States office of management and budget or other applicable federal office (MSA) and (b) those not located in such an area (non-MSA). The facilities in each peer group shall then be arrayed from lowest to highest by magnitude of per ~~((patient))~~ resident day desk-reviewed, adjusted operational cost from the ~~((prior))~~ 1994 calendar report year, regardless of whether any such adjustments are contested by the nursing facility, and the median or fiftieth percentile cost for each peer group shall be determined. Operational component rates for facilities within each peer group ~~((for the first year of the biennium))~~ shall be set at the lower of the facility's desk-reviewed, adjusted per ~~((patient))~~ resident day operational cost from the ~~((prior))~~ 1994 report period or the median cost for the facility's peer group, utilizing the same calendar year report data, plus twenty-five percent. This rate shall be reduced or inflated as authorized by RCW 74.46.420.

(3) For rates effective July 1, 1996, a nursing facility's noncost-rebased operational component rate ~~((for the second year of each biennium))~~ shall be that facility's operational component rate ~~((as of July 1 of the first year of that biennium)) existing on June 30, 1996, reduced or inflated as authorized by RCW 74.46.420. ~~((The alternating procedures prescribed in this section for a facility's two July 1 operational rates occurring within each biennium shall be followed in the same order for each succeeding biennium.))~~ The July 1, 1996, operational component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective operational component rate as of June 30, 1996, excluding any rate increases granted pursuant to RCW 74.46.460.~~

(4) For rates effective July 1, 1997, a nursing facility's noncost-rebased operational component rate shall be that facility's operational component rate existing on June 30, 1997, reduced or inflated as authorized by RCW 74.46.420.

The July 1, 1997, operational component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective operational component rate as of June 30, 1997, excluding any rate increases granted pursuant to RCW 74.46.460.

~~((4))~~ (5) Median cost((s)) limits for peer groups shall be calculated initially for July 1, 1995, rate setting as provided in this chapter on the basis of ~~((the most recent))~~ adjusted 1994 operational cost report information available to the department prior to the calculation of the new rate for July 1, 1995 ~~((of the first fiscal year of each biennium))~~, regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median costs for peer groups shall be recalculated as provided in this chapter on the basis of the most recent adjusted cost information available to the department on October 31, 1995 ~~((of the first fiscal year of each biennium))~~, and shall apply retroactively to ~~((the prior))~~ July 1, 1995, rates, regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median cost((s)) limits, once calculated utilizing October 31, 1995, adjusted cost information, shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

**Sec. 108.** RCW 74.46.510 and 1993 sp.s. c 13 s 16 are each amended to read as follows:

(1) The property cost center rate for each facility shall be determined by dividing the sum of the reported allowable prior period actual depreciation, subject to RCW 74.46.310 through 74.46.380, adjusted for any capitalized additions or replacements approved by the department, and the retained savings from such cost center, as provided in RCW 74.46.180, by the greater of a facility's total ((patient)) resident days for the facility in the prior period or resident days as calculated on ninety or eighty-five percent facility occupancy as applicable. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total ~~((patient))~~ resident days used in computing the property cost center rate shall be adjusted to anticipated ~~((patient))~~ resident day level.

(2) A nursing facility's property rate shall be rebased annually, effective July 1, in accordance with this section and this chapter ~~((regardless of whether the rate is for the first or second year of the biennium))~~.

(3) When a certificate of need for a new facility is requested, the department, in reaching its decision, shall take into consideration per-bed land and building construction costs for the facility which shall not exceed a maximum to be established by the secretary.

**Sec. 109.** RCW 74.46.530 and 1993 sp.s. c 13 s 17 are each amended to read as follows:

(1) The department shall establish for each medicaid nursing facility a return on investment (ROI) rate composed of two parts: A financing allowance and a variable return allowance. The financing allowance part of a facility's return on

investment component rate shall be rebased annually, effective July 1, in accordance with the provisions of this section and this chapter~~((, regardless of whether the rate is for the first or second year of the biennium))~~.

(a) The financing allowance shall be determined by multiplying the net invested funds of each facility by .10, and dividing by the ~~((contractor's))~~ greater of a nursing facility's total ((patient)) resident days from the most recent cost report period or resident days calculated on ninety percent or eighty-five percent facility occupancy as applicable. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total ~~((patient))~~ resident days used in computing the financing and variable return allowances shall be adjusted to the anticipated ~~((patient))~~ resident day level.

(b) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in RCW 74.46.330, 74.46.350, 74.46.360, 74.46.370, and 74.46.380, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing ~~((patient))~~ resident care shall also be included. Subject to provisions and limitations contained in this chapter, for land purchased by owners or lessors before July 18, 1984, capitalized cost of land shall be the buyer's capitalized cost. For all partial or whole rate periods after July 17, 1984, if the land is purchased after July 17, 1984, capitalized cost shall be that of the owner of record on July 17, 1984, or buyer's capitalized cost, whichever is lower. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based on an appraisal conducted according to RCW 74.46.360(1).

(c) In determining the variable return allowance:

(i) ~~((Every two years at the start of each new biennium))~~ For July 1, 1995, rate setting only, the department, without utilizing peer groups, ~~((with))~~ shall first rank all facilities in numerical order from highest to lowest according to their per ~~((patient))~~ resident day adjusted or audited, or both, allowable costs for nursing services, food, administrative, and operational costs combined for the ~~((previous))~~ 1994 calendar year cost report period.

(ii) The department shall then compute the variable return allowance by multiplying the appropriate percentage amounts, which shall not be less than one percent and not greater than four percent, by the sum of the facility's nursing services, food, administrative, and operational rate components. The percentage amounts will be based on groupings of facilities according to the rankings prescribed in (i) of this subsection (1)(c). The percentages calculated and assigned will remain the same for the ~~((next))~~ variable return allowance paid in ((the second year of the biennium)) all July 1, 1996, and July 1, 1997, rates as



well. Those groups of facilities with lower per diem costs shall receive higher percentage amounts than those with higher per diem costs.

(d) The sum of the financing allowance and the variable return allowance shall be the return on investment rate for each facility, and shall be added to the prospective rates of each contractor as determined in RCW 74.46.450 through 74.46.510.

(e) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement, and for which the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total (~~(patient)~~) resident days, minus the property cost center determined according to RCW 74.46.510, is more than the return on investment rate determined according to subsection (1)(d) of this section, the following shall apply:

(i) The financing allowance shall be recomputed substituting the fair market value of the assets as of January 1, 1982, as determined by the department of general administration through an appraisal procedure, less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(ii) The sum of the financing allowance computed under subsection (1)(e)(i) of this section and the variable allowance shall be compared to the annualized lease payment, plus any interest and depreciation associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total (~~(patient)~~) resident days, minus the property cost center rate determined according to RCW 74.46.510. The lesser of the two amounts shall be called the alternate return on investment rate.

(iii) The return on investment rate determined according to subsection (1)(d) of this section or the alternate return on investment rate, whichever is greater, shall be the return on investment rate for the facility and shall be added to the prospective rates of the contractor as determined in RCW 74.46.450 through 74.46.510.

(f) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended pursuant to a provision of the lease, the treatment provided in subsection (1)(e) of this section shall be applied except that in the case of renewals or extensions made subsequent to April 1, 1985, reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

(2) Each biennium, beginning in 1985, the secretary shall review the adequacy of return on investment rates in relation to anticipated requirements for maintaining, reducing, or expanding nursing care capacity. The secretary shall

report the results of such review to the legislature and make recommendations for adjustments in the return on investment rates utilized in this section, if appropriate.

**Sec. 110.** RCW 74.46.560 and 1983 1st ex.s. c 67 s 30 are each amended to read as follows:

The department will notify each contractor in writing of its prospective ~~((reimbursement))~~ payment rates by the effective dates of the rates. Unless otherwise specified at the time it is issued, ~~((the))~~ a rate will be effective from the first day of the month in which it is issued until a new rate becomes effective. If a rate is changed as the result of an appeals or exception procedure established in accordance with RCW 74.46.780, it will be effective as of the date the appealed rate became effective.

**Sec. 111.** RCW 74.46.570 and 1983 1st ex.s. c 67 s 31 are each amended to read as follows:

(1) Prospective rates are subject to adjustment by the department as a result of errors or omissions by the department or by the contractor. The department will notify the contractor in writing of each adjustment and of the effective date of the adjustment, and of any amount due to the department or to the contractor as a result of the rate adjustment.

(2) If a contractor claims an error or omission based upon incorrect cost reporting, amended cost report pages shall be prepared and submitted by the contractor. Amended pages shall be accompanied by a certification signed by the licensed administrator of the nursing facility and a written justification explaining why the amendment is necessary. The certification and justification shall meet such criteria as are adopted by the department. Such amendments may be used to revise a prospective rate but shall not be used to revise a settlement if submitted after commencement of the field audit. All changes determined to be material by the department shall be subject to field audit. If changes are found to be incorrect or otherwise unacceptable, any rate adjustment based thereon shall be null and void and resulting payments or payment increases shall be subject to refund.

(3) The contractor shall pay an amount owed the department resulting from an error or omission as determined by the department on or after July 1, 1995, or commence repayment in accordance with a schedule determined and agreed to in writing by the department, within sixty days after receipt of notification of the rate adjustment~~((, unless the contractor contests the department's determination in accordance with the procedures set forth in RCW 74.46.780. If the determination is contested, the contractor shall pay or commence repayment within sixty days after completion of these proceedings))~~. If a refund as determined by the department is not paid when due, the amount thereof may be deducted from current payments by the department. However, neither a timely filed request to pursue the department's administrative appeals or exception

procedure nor commencement of judicial review, as may be available to the contractor in law, shall delay recovery.

(4) The department shall pay any amount owed the contractor as a result of a rate adjustment within thirty days after the contractor is notified of the rate adjustment.

(5) No adjustments will be made to a rate more than one hundred twenty days after the final audit narrative and summary for the period the rate was effective is sent to the contractor or, if no audit is held, more than one hundred twenty days after the preliminary settlement becomes the final settlement, except when a settlement is reopened as provided in RCW 74.46.170(3).

**Sec. 112.** RCW 74.46.640 and 1983 1st ex.s. c 67 s 34 are each amended to read as follows:

(1) Payments to a contractor may be withheld by the department in each of the following circumstances:

(a) A required report is not properly completed and filed by the contractor within the appropriate time period, including any approved extension. Payments will be released as soon as a properly completed report is received;

(b) State auditors, department auditors, or authorized personnel in the course of their duties are refused access to a nursing (~~(home)~~) facility or are not provided with existing appropriate records. Payments will be released as soon as such access or records are provided;

(c) A refund in connection with a preliminary or final settlement or rate adjustment is not paid by the contractor when due. The amount withheld will be limited to the unpaid amount of the refund and any accumulated interest owed to the department as authorized by this chapter; (~~and~~)

(d) Payment for the final (~~(thirty)~~) sixty days of service under a contract will be held in the absence of adequate alternate security acceptable to the department pending final settlement when the contract is terminated; and

(e) Payment for services at any time during the contract period in the absence of adequate alternate security acceptable to the department, if a contractor's net medicaid overpayment liability for one or more nursing facilities or other debt to the department, as determined by preliminary settlement, final settlement, civil fines imposed by the department, third-party liabilities or other source, reaches or exceeds fifty thousand dollars, whether subject to good faith dispute or not, and for each subsequent increase in liability reaching or exceeding twenty-five thousand dollars. Payments will be released as soon as practicable after acceptable security is provided or refund to the department is made.

(2) No payment will be withheld until written notification of the suspension is provided to the contractor, stating the reason (~~(therefor)~~) for the withholding, except that neither a request to pursue the administrative appeals or exception procedure established by the department in rule nor commencement of judicial review, as may be available to the contractor in law, shall delay suspension of payment.

**Sec. 113.** RCW 74.46.690 and 1985 c 361 s 3 are each amended to read as follows:

(1) When a facility contract is terminated for any reason, the old contractor shall submit final reports as required by RCW 74.46.040.

(2) Upon notification of a contract termination, the department shall determine by preliminary or final settlement calculations the amount of any overpayments made to the contractor, including overpayments disputed by the contractor. If preliminary or final settlements are unavailable for any period up to the date of contract termination, the department shall make a reasonable estimate of any overpayment or underpayments for such periods. The reasonable estimate shall be based upon prior period settlements, available audit findings, the projected impact of prospective rates, and other information available to the department. The department shall also determine and add in the total of all other debts owed to the department regardless of source, including, but not limited to, interest owed to the department as authorized by this chapter, civil fines imposed by the department, or third-party liabilities.

(3) The old contractor shall provide security, in a form deemed adequate by the department, ~~((#))~~ equal to the total amount of determined and estimated overpayments and all other debts from any source, whether or not the overpayments are the subject of good faith dispute. Security shall consist of:

(a) Withheld payments due the contractor; or

(b) A surety bond issued by a bonding company acceptable to the department; or

(c) An assignment of funds to the department; or

(d) Collateral acceptable to the department; or

(e) A purchaser's assumption of liability for the prior contractor's overpayment; ~~((#))~~

(f) A promissory note secured by a deed of trust; or

(g) Any combination of (a), (b), (c), (d), ~~((#))~~ (e), or (f) of this subsection.

(4) A surety bond or assignment of funds shall:

(a) Be at least equal in amount to determined or estimated overpayments, whether or not the subject of good faith dispute, minus withheld payments;

(b) Be issued or accepted by a bonding company or financial institution licensed to transact business in Washington state;

(c) Be for a term, as determined by the department, sufficient to ensure effectiveness after final settlement and the exhaustion of any administrative appeals or exception procedure and judicial remedies, as may be available to and sought by the contractor, regarding payment, settlement, civil fine, interest assessment, or other debt issues; PROVIDED, That the bond or assignment shall initially be for a term of at least five years, and shall be forfeited if not renewed thereafter in an amount equal to any remaining combined overpayment ~~((# dispute))~~ and debt liability as determined by the department;

(d) Provide that the full amount of the bond or assignment, or both, shall be paid to the department if a properly completed final cost report is not filed in

accordance with this chapter, or if financial records supporting this report are not preserved and made available to the auditor; and

(e) Provide that an amount equal to any recovery the department determines is due from the contractor (~~(at)~~) from settlement or from any other source of debt to the department, but not exceeding the amount of the bond and assignment, shall be paid to the department if the contractor does not pay the refund and debt within sixty days following receipt of written demand (~~(or the conclusion of administrative or judicial proceedings to contest settlement issues)~~) for payment from the department to the contractor.

(5) The department shall release any payment withheld as security if alternate security is provided under subsection (3) of this section in an amount equivalent to determined and estimated overpayments.

(6) If the total of withheld payments, bonds, and assignments is less than the total of determined and estimated overpayments, the unsecured amount of such overpayments shall be a debt due the state and shall become a lien against the real and personal property of the contractor from the time of filing by the department with the county auditor of the county where the contractor resides or owns property, and the lien claim has preference over the claims of all unsecured creditors.

(7) The contractor shall file a properly completed final cost report in accordance with the requirements of this chapter, which shall be audited by the department. A final settlement shall be determined within ninety days following completion of the audit process, including completion of any administrative appeals or exception procedure review of the audit requested by the contractor, but not including completion of any judicial review available to and commenced by the contractor.

(8) Following determination of settlement for all periods, security held pursuant to this section shall be released to the contractor after all overpayments, erroneous payments, and debts determined in connection with final settlement, or otherwise, including accumulated interest owed the department, have been paid by the contractor. (~~(If the contractor contests the settlement determination in accordance with RCW 74.46.170, the department shall hold the security, not to exceed the amount of estimated unrecovered overpayments being contested, pending completion of the administrative appeal process.)~~)

(9) If, after calculation of settlements for any periods, it is determined that overpayments exist in excess of the value of security held by the state, the department may seek recovery of these additional overpayments as provided by law.

(10) (~~(If a contract is terminated solely in order for the same owner to contract with the department to deliver services to another classification of medical care recipients at the same facility, the contractor is not required to submit final cost reports, and security shall not be required)~~) Regardless of whether a contractor intends to terminate its medicaid contracts, if a contractor's net medicaid overpayments and erroneous payments for one or more settlement

periods, and for one or more nursing facilities, combined with debts due the department, reaches or exceeds a total of fifty thousand dollars, as determined by preliminary settlement, final settlement, civil fines imposed by the department, third-party liabilities or by any other source, whether such amounts are subject to good faith dispute or not, the department shall demand and obtain security equivalent to the total of such overpayments, erroneous payments, and debts and shall obtain security for each subsequent increase in liability reaching or exceeding twenty-five thousand dollars. Such security shall meet the criteria in subsections (3) and (4) of this section, except that the department shall not accept an assumption of liability. The department shall withhold all or portions of a contractor's current contract payments or impose liens, or both, if security acceptable to the department is not forthcoming. The department shall release a contractor's withheld payments or lift liens, or both, if the contractor subsequently provides security acceptable to the department. This subsection shall apply to all overpayments and erroneous payments determined by preliminary or final settlements issued on or after July 1, 1995, regardless of what payment periods the settlements may cover and shall apply to all debts owed the department from any source, including interest debts, which become due on or after July 1, 1995.

**Sec. 114.** RCW 74.46.770 and 1983 1st ex.s. c 67 s 39 are each amended to read as follows:

(1) For all nursing facility medicaid payment rates effective on or after July 1, 1995, and for all settlements and audits issued on or after July 1, 1995, regardless of what periods the settlements or audits may cover, if a contractor wishes to contest the way in which a rule ((or contract provision)) relating to the ((prospective cost-related reimbursement)) medicaid payment rate system was applied to the contractor by the department, it shall ((first)) pursue the ((administrative review process set forth in)) appeals or exception procedure established by the department in rule authorized by RCW 74.46.780.

(2) ((The administrative review and fair hearing process in RCW 74.46.780 need not be exhausted if a contractor wishes to challenge the legal validity of a statute, rule, or contract provision.)) If a contractor wishes to challenge the legal validity of a statute, rule, or contract provision or wishes to bring a challenge based in whole or in part on federal law, including but not limited to issues of procedural or substantive compliance with the federal medicaid minimum payment standard for long-term care facility services, the appeals or exception procedure established by the department in rule may not be used for these purposes. This prohibition shall apply regardless of whether the contractor wishes to obtain a decision or ruling on an issue of validity or federal compliance or wishes only to make a record for the purpose of subsequent judicial review.

(3) If a contractor wishes to challenge the legal validity of a statute, rule, or contract provision relating to the medicaid payment rate system, or wishes to

bring a challenge based in whole or in part on federal law, it must bring such action de novo in a court of proper jurisdiction as may be provided by law.

**Sec. 115.** RCW 74.46.780 and 1989 c 175 s 159 are each amended to read as follows:

~~((1) Within twenty-eight days after a contractor is notified of an action or determination it wishes to challenge, the contractor shall request in writing that the secretary review such determination. The request shall be signed by the contractor or the licensed administrator of the facility, shall identify the challenged determination and the date thereof, and shall state as specifically as practicable the grounds for its contention that the determination was erroneous. Copies of any documentation on which the contractor intends to rely to support its position shall be included with the request.~~

~~(2) After receiving a request meeting the above criteria, the secretary or his designee will contact the contractor to schedule a conference for the earliest mutually convenient time. The conference shall be scheduled for no later than ninety days after a properly completed request is received unless both parties agree in writing to a specified later date.~~

~~(3) The contractor and appropriate representatives of the department shall attend the conference. In addition, representatives selected by the contractor may attend and participate. The contractor shall provide to the department in advance of the conference any documentation on which it intends to rely to support its contentions. The parties shall clarify and attempt to resolve the issues at the conference. If additional documentation is needed to resolve the issues, a second session of the conference shall be scheduled for not later than twenty-eight days after the initial session unless both parties agree in writing to a specific later date.~~

~~(4) A written decision by the secretary will be furnished to the contractor within sixty days after the conclusion of the conference.~~

~~(5) If the contractor desires review of an adverse decision of the secretary, it shall within twenty-eight days following receipt of such decision file a written application for an adjudicative proceeding. The proceeding is governed by chapter 34.05 RCW, the Administrative Procedure Act.)~~ For all nursing facility medicaid payment rates effective on or after July 1, 1995, and for all audits completed and settlements issued on or after July 1, 1995, regardless of what periods the payment rates, audits, or settlements may cover, the department shall establish in rule, consistent with federal requirements for nursing facilities participating in the medicaid program, an appeals or exception procedure that allows individual nursing care providers an opportunity to submit additional evidence and receive prompt administrative review of payment rates with respect to such issues as the department deems appropriate.

**Sec. 116.** 1995 c 260 s 12 (uncodified) is amended to read as follows:  
Sections 7 through 11 of this act shall take effect ~~((January))~~ July 1, 1996.

**Sec. 117.** RCW 70.128.120 and 1995 c 260 s 5 are each amended to read as follows:

An adult family home provider shall have the following minimum qualifications:

- (1) Twenty-one years of age or older;
- (2) Good moral and responsible character and reputation;
- (3) Literacy;
- (4) Management and administrative ability to carry out the requirements of this chapter;
- (5) Satisfactory completion of department-approved initial training and continuing education training as specified by the department in rule;
- (6) Satisfactory completion of department-approved, or equivalent, special care training before a provider may provide special care services to a resident;
- (7) Not been convicted of any crime listed in RCW 43.43.830 and 43.43.842; and
- (8) Effective July 1, 1996, registered with the department of health.

**NEW SECTION.** **Sec. 118.** 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. 119.** 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. 120.** 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, 1995.

Passed the House May 18, 1995.

Passed the Senate May 22, 1995.

Approved by the Governor June 15, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State June 15, 1995.

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

"I am returning herewith, without my approval as to sections 11, 42, and 73, Engrossed Second Substitute House Bill No. 1908 entitled:

"AN ACT Relating to long-term care;"

Engrossed Second Substitute House Bill No. 1908 is far-reaching legislation representing the efforts of many to reform Washington's Long Term Care service delivery system. The legislature's efforts to expand options for individuals who could be served in community settings, improve the quality of care for those being served in community programs, and revise the nursing facility payment system are to be applauded.



Section 11 directs the Legislative Budget Committee (LBC) to develop a working plan for long term care reform by December 12, 1995. The LBC is to design an integrated, single point of entry system for the delivery of services to all users of long term care. This plan is directed to implement many of the findings included in the report completed by the Long Term Care Commission in 1991. In the intervening years the legislature has not chosen to adopt the recommendations of the Long Term Care Commission regarding integration of services. One of the primary reasons this proposal was not adopted was that it would have significant cost. Because of the wide array of long-term care issues which were addressed in this legislation, this section did not receive full public scrutiny in the 1995 legislative session. I would like to see more debate on the topic before such a major undertaking goes forward.

Section 42 extends the requirements for the Department of Social and Health Services (DSHS) to inspect nursing homes from every 12 months to at least every 18 months. Additionally, DSHS is prevented from conducting nursing facility inspections for 12 months after a citation-free inspection. This prohibition violates federal requirements that the state inspect facilities any time there is reason to believe a facility may be providing substandard care. While I am vetoing this section, I am directing DSHS to use its resources efficiently and to not inspect citation-free facilities more frequently than every 12 months unless it has cause to believe problems have developed in the interim.

Section 73 provides nursing homes an additional extension of up to 60 months to apply for a Certificate of Need if the facility is located in an economically distressed area. Because the Certificate of Need considers financial feasibility, an extension would not necessarily make financing easier to obtain in an economically distressed area. Additionally, facilities in operation could utilize the Certificate of Need to minimize competition.

For these reasons, I have vetoed sections 11, 42, and 73 of Engrossed Second Substitute House Bill No. 1908.

With the exception of sections 11, 42, and 73, Engrossed Second Substitute House Bill No. 1908 is approved."

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## CHAPTER 19

[Second Engrossed Second Substitute House Bill 2010]

### CORRECTIONS REFORM

AN ACT Relating to corrections; amending RCW 72.09.010, 72.09.015, 72.09.130, 4.24.130, 72.10.010, 72.10.020, 9.94A.137, 9.95.210, 9.92.060, and 72.09.100; adding new sections to chapter 72.09 RCW; adding a new section to chapter 43.17 RCW; adding new sections to chapter 9.95 RCW; creating new sections; repealing RCW 72.09.020; prescribing penalties; and declaring an emergency.

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

**NEW SECTION.** **Sec. 1.** The legislature finds the increasing number of inmates incarcerated in state correctional institutions, and the expenses associated with their incarceration, require expanded efforts to contain corrections costs. Cost containment requires improved planning and oversight, and increased accountability and responsibility on the part of inmates and the department.

The legislature further finds motivating inmates to participate in meaningful education and work programs in order to learn transferable skills and earn basic privileges is an effective and efficient way to meet the penological objectives of the corrections system.

The purpose of this act is to assure that the department fulfills its mission to reduce offender recidivism, to mirror the values of the community by clearly linking inmate behavior to receipt of privileges, and to prudently manage the

resources it receives through tax dollars. This purpose is accomplished through the implementation of specific cost-control measures and creation of a planning and oversight process that will improve the department's effectiveness and efficiencies.

Sec. 2. RCW 72.09.010 and 1981 c 136 s 2 are each amended to read as follows:

It is the intent of the legislature to establish a comprehensive system of corrections for convicted law violators within the state of Washington to accomplish the following objectives.

(1) The system should ensure the public safety. The system should be designed and managed to provide the maximum feasible safety for the persons and property of the general public, the staff, and the inmates.

(2) The system should punish the offender for violating the laws of the state of Washington. This punishment should generally be limited to the denial of liberty of the offender.

(3) The system should positively impact offenders by stressing personal responsibility and accountability and by discouraging recidivism.

(4) The system should treat all offenders fairly and equitably without regard to race, religion, sex, national origin, residence, or social condition.

~~((4))~~ (5) The system, as much as possible, should reflect the values of the community including:

(a) Avoiding idleness. Idleness is not only wasteful but destructive to the individual and to the community.

(b) Adoption of the work ethic. It is the community expectation that all ~~((citizens))~~ individuals should work and through their efforts benefit both themselves and the community.

(c) Providing opportunities for self improvement. All individuals should have opportunities to grow and expand their skills and abilities so as to fulfill their role in the community.

(d) ~~((Providing tangible rewards for accomplishment.))~~ Linking the receipt or denial of privileges to responsible behavior and accomplishments. The individual who works to improve himself or herself and the community should be rewarded for these efforts. As a corollary, there should be no rewards for no effort.

(e) Sharing in the obligations of the community. All citizens, the public and inmates alike, have a personal and fiscal obligation in the corrections system. All communities must share in the responsibility of the corrections system.

~~((5))~~ (6) The system should provide for prudent management of resources. The avoidance of unnecessary or inefficient public expenditures on the part of offenders and the department is essential. Offenders must be accountable to the department, and the department to the public and the legislature. The human and fiscal resources of the community are limited. The management and use of these resources can be enhanced by wise investment, productive programs, the reduction of duplication and waste, and the joining together of all involved

parties in a common endeavor. Since (~~virtually all~~) most offenders return to the community, it is wise for the state and the communities to make an investment in effective rehabilitation programs for offenders and the wise use of resources.

~~((6))~~ (7) The system should provide for restitution. Those who have damaged others, persons or property, have a responsibility to make restitution for these damages.

~~((7))~~ (8) The system should be accountable to the citizens of the state. In return, the individual citizens and local units of government must meet their responsibilities to make the corrections system effective.

~~((8))~~ (9) The system should meet those national standards which the state determines to be appropriate.

Sec. 3. RCW 72.09.015 and 1987 c 312 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) (~~"Department"~~) means the department of corrections.

(2) (~~"Secretary"~~) means the secretary of corrections.

(3) (~~"County"~~) refers to a county or combination of counties.

~~((4))~~ "Base level of correctional services" means the minimum level of field services the department of corrections is required by statute to provide for the supervision and monitoring of offenders.

(2) "Contraband" means any object or communication the secretary determines shall not be allowed to be: (a) Brought into; (b) possessed while on the grounds of; or (c) sent from any institution under the control of the secretary.

(3) "County" means a county or combination of counties.

(4) "Department" means the department of corrections.

(5) "Earned early release" means earned early release as authorized by RCW 9.94A.150.

(6) "Extended family visit" means an authorized visit between an inmate and a member of his or her immediate family that occurs in a private visiting unit located at the correctional facility where the inmate is confined.

(7) "Good conduct" means compliance with department rules and policies.

(8) "Good performance" means successful completion of a program required by the department, including an education, work, or other program.

(9) "Immediate family" means the inmate's children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, and a person legally married to an inmate. "Immediate family" does not include an inmate adopted by another inmate or the immediate family of the adopted or adopting inmate.

(10) "Indigent inmate," "indigent," and "indigency" mean an inmate who has less than a ten-dollar balance of disposable income in his or her institutional account on the day a request is made to utilize funds and during the thirty days previous to the request.

(11) "Inmate" means a person committed to the custody of the department, including but not limited to persons residing in a correctional institution or facility and persons released on furlough, work release, or community custody, and persons received from another state, state agency, county, or federal jurisdiction.

(12) "Privilege" means any goods or services, education or work programs, or earned early release days, the receipt of which are directly linked to an inmate's (a) good conduct; and (b) good performance. Privileges do not include any goods or services the department is required to provide under the state or federal Constitution or under state or federal law.

(13) "Secretary" means the secretary of corrections or his or her designee.

(14) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections, or his or her designee.

(15) "Work programs" means all classes of correctional industries jobs authorized under RCW 72.09.100.

NEW SECTION. Sec. 4. A new section is added to chapter 72.09 RCW to read as follows:

(1) An inmate shall not be denied access to services or supplies required by state or federal law solely on the basis of his or her inability to pay for them.

(2) The department shall record all lawfully authorized assessments for services or supplies as a debt to the department and shall recoup the assessments when the inmate's institutional account exceeds the indigency standard.

NEW SECTION. Sec. 5. A new section is added to chapter 72.09 RCW to read as follows:

(1) The legislature intends that all inmates be required to participate in department-approved education programs, work programs, or both, unless exempted under subsection (3) of this section. Eligible inmates who refuse to participate in available education or work programs available at no charge to the inmates shall lose privileges according to the system established under RCW 72.09.130. Eligible inmates who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges. The legislature recognizes more inmates may agree to participate in education and work programs than are available. The department must make every effort to achieve maximum public benefit by placing inmates in available and appropriate education and work programs.

(2) The department shall, to the extent possible and considering all available funds, prioritize its resources to meet the following goals for inmates in the order listed:

(a) Achievement of basic academic skills through obtaining a high school diploma or its equivalent and achievement of vocational skills necessary for purposes of work programs and for an inmate to qualify for work upon release;

(b) Additional work and education programs based on assessments and placements under subsection (4) of this section; and

(c) Other work and education programs as appropriate.

(3) The department shall establish, by rule, objective medical standards to determine when an inmate is physically or mentally unable to participate in available education or work programs. When the department determines an inmate is permanently unable to participate in any available education or work program due to a medical condition, the inmate is exempt from the requirement under subsection (1) of this section. When the department determines an inmate is temporarily unable to participate in an education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical condition of all temporarily disabled inmates to ensure the earliest possible entry or reentry by inmates into available programming.

(4) The department shall establish, by rule, standards for participation in department-approved education and work programs. The standards shall address the following areas:

(a) Assessment. The department shall assess all inmates for their basic academic skill levels using a professionally accepted method of scoring reading, math, and language skills as grade level equivalents. The department shall determine an inmate's education history, work history, and vocational or work skills. The initial assessment shall be conducted, whenever possible, within the first thirty days of an inmate's entry into the correctional system, except that initial assessments are not required for inmates who are sentenced to life without the possibility of release, assigned to an intensive management unit within the first thirty days after entry into the correctional system, are returning to the correctional system within one year of a prior release, or whose physical or mental condition renders them unable to complete the assessment process. The department shall track and record changes in the basic academic skill levels of all inmates reflected in any testing or assessment performed as part of their education programming;

(b) Placement. The department shall follow the policies set forth in subsection (1) of this section in establishing criteria for placing inmates in education and work programs. The department shall, to the extent possible, place all inmates whose composite grade level score for basic academic skills is below the eighth grade level in a combined education and work program. The placement criteria shall include at least the following factors:

(i) An inmate's release date and custody level, except an inmate shall not be precluded from participating in an education or work program solely on the basis of his or her release date;

(ii) An inmate's education history and basic academic skills;

(iii) An inmate's work history and vocational or work skills;

(iv) An inmate's economic circumstances, including but not limited to an inmate's family support obligations; and

(v) Where applicable, an inmate's prior performance in department-approved education or work programs;

(c) Performance and goals. The department shall establish, and periodically review, inmate behavior standards and program goals for all education and work programs. Inmates shall be notified of applicable behavior standards and program goals prior to placement in an education or work program and shall be removed from the education or work program if they consistently fail to meet the standards or goals;

(d) Financial responsibility. (i) The department shall establish a formula by which inmates, based on their ability to pay, shall pay all or a portion of the costs or tuition of certain programs. Inmates shall, based on the formula, pay a portion of the costs or tuition of participation in:

(A) Second and subsequent vocational programs associated with an inmate's work programs; and

(B) An associate of arts or baccalaureate degree program when placement in a degree program is the result of a placement made under this subsection;

(ii) Inmates shall pay all costs and tuition for participation in:

(A) Any postsecondary academic degree program which is entered independently of a placement decision made under this subsection; and

(B) Second and subsequent vocational programs not associated with an inmate's work program.

Enrollment in any program specified in (d)(ii) of this subsection shall only be allowed by correspondence or if there is an opening in an education or work program at the institution where an inmate is incarcerated and no other inmate who is placed in a program under this subsection will be displaced; and

(e) Notwithstanding any other provision in this section, an inmate sentenced to life without the possibility of release:

(i) Shall not be required to participate in education programming; and

(ii) May receive not more than one postsecondary academic degree in a program offered by the department or its contracted providers.

If an inmate sentenced to life without the possibility of release requires prevocational or vocational training for a work program, he or she may participate in the training subject to this section.

(5) The department shall coordinate education and work programs among its institutions, to the greatest extent possible, to facilitate continuity of programming among inmates transferred between institutions. Before transferring an inmate enrolled in a program, the department shall consider the effect the transfer will have on the inmate's ability to continue or complete a program. This subsection shall not be used to delay or prohibit a transfer necessary for legitimate safety or security concerns.

(6) Before construction of a new correctional institution or expansion of an existing correctional institution, the department shall adopt a plan demonstrating

how cable, closed-circuit, and satellite television will be used for education and training purposes in the institution. The plan shall specify how the use of television in the education and training programs will improve inmates' preparedness for available work programs and job opportunities for which inmates may qualify upon release.

(7) The department shall adopt a plan to reduce the per-pupil cost of instruction by, among other methods, increasing the use of volunteer instructors and implementing technological efficiencies. The plan shall be adopted by December 1996 and shall be transmitted to the legislature upon adoption. The department shall, in adoption of the plan, consider distance learning, satellite instruction, video tape usage, computer-aided instruction, and flexible scheduling of offender instruction.

(8) Following completion of the review required by section 27(3) of this act the department shall take all necessary steps to assure the vocation and education programs are relevant to work programs and skills necessary to enhance the employability of inmates upon release.

**Sec. 6.** RCW 72.09.130 and 1981 c 136 s 17 are each amended to read as follows:

(1) The department shall adopt, by rule, a system ~~((providing incentives for good conduct and disincentives for poor conduct))~~ that clearly links an inmate's behavior and participation in available education and work programs with the receipt or denial of earned early release days and other privileges. The system ~~((may))~~ shall include increases or decreases in the degree of liberty granted the inmate within the programs operated by the department, access to or withholding of privileges available within correctional institutions, and recommended increases or decreases in the number of earned early release days that an inmate can earn for good conduct and good performance.

(2) Earned early release days shall be recommended by the department as a ~~((form of tangible))~~ reward for accomplishment. The system shall be fair, measurable, and understandable to offenders, staff, and the public. At least once in each twelve-month period, the department shall inform the offender in writing as to his or her conduct and performance. This written evaluation shall include reasons for awarding or not awarding recommended earned early release days for good conduct and good performance. ~~((The term "good performance" as used in this section means successfully performing a work, work training, or educational task to levels of expectation as specified in writing by the department. The term "good conduct" as used in this section refers to compliance with department rules.~~

~~Within one year after July 1, 1981, the department shall adopt, and provide a written description of, the system.))~~ An inmate is not eligible to receive earned early release days during any time in which he or she refuses to participate in an available education or work program into which he or she has been placed under section 5 of this act.

(3) The department shall provide ~~((a copy of this description to))~~ each offender in its custody a written description of the system created under this section.

NEW SECTION. Sec. 7. A new section is added to chapter 72.09 RCW to read as follows:

To the greatest extent practical, all inmates shall contribute to the cost of privileges. The department shall establish standards by which inmates shall contribute a portion of the department's capital costs of providing privileges, including television cable access, extended family visitation, weight lifting, and other recreational sports equipment and supplies. The standards shall also require inmates to contribute a significant portion of the department's operating costs directly associated with providing privileges, including staff and supplies. Inmate contributions may be in the form of individual user fees assessed against an inmate's institution account, deductions from an inmate's gross wages or gratuities, or inmates' collective contributions to the institutional welfare/betterment fund. The department shall make every effort to maximize individual inmate contributions to payment for privileges. The department shall not limit inmates' financial support for privileges to contributions from the institutional welfare/betterment fund. The standards shall consider the assets available to the inmates, the cost of administering compliance with the contribution requirements, and shall promote a responsible work ethic.

NEW SECTION. Sec. 8. A new section is added to chapter 72.09 RCW to read as follows:

When an inmate receives any funds in addition to his or her wages or gratuities, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 72.09 RCW to read as follows:

(1) The department shall establish a uniform policy on the privilege of extended family visitation. Not fewer than sixty days before making any changes in any policy on extended family visitation, the department shall: (a) Notify the appropriate legislative committees of the proposed change; and (b) notify the committee created under section 23 of this act of the proposed change. The department shall seek the advice of the committee established under section 23 of this act and other appropriate committees on all proposed changes and shall, before the effective date of any change, offer the committees an opportunity to provide input on proposed changes.

(2) In addition to its duties under chapter 34.05 RCW, the department shall provide the committee established under section 23 of this act and other appropriate committees of the legislature a written copy of any proposed adoption, revision, or repeal of any rule relating to extended family visitation. Except for adoption, revision, or repeal of a rule on an emergency basis, the



copy shall be provided not fewer than thirty days before any public hearing scheduled on the rule.

**NEW SECTION.** Sec. 10. A new section is added to chapter 72.09 RCW to read as follows:

An inmate found by the superintendent in the institution in which the inmate is incarcerated to have committed an aggravated assault against another person, under rules adopted by the department, is prohibited from participating in weight lifting for a period of two years from the date the finding is made. At the conclusion of the two-year period the superintendent shall review the inmate's infraction record to determine if additional weight-lifting prohibitions are appropriate. If, based on the review, it is determined by the superintendent that the inmate poses a threat to the safety of others or the order of the facility, or otherwise does not meet requirements for the weight-lifting privilege, the superintendent may impose an additional reasonable restriction period.

**NEW SECTION.** Sec. 11. A new section is added to chapter 72.09 RCW to read as follows:

Purchases of recreational equipment following the effective date of this act shall be cost-effective and, to the extent possible, minimize an inmate's ability to substantially increase muscle mass. Dietary supplements made for the sole purpose of increasing muscle mass shall not be available for purchase by inmates unless prescribed by a physician for medical purposes or for inmates officially competing in department-sanctioned competitive weight lifting.

**NEW SECTION.** Sec. 12. A new section is added to chapter 72.09 RCW to read as follows:

No inmate may acquire or possess a television for personal use for at least sixty days following completion of his or her intake and evaluation process at the Washington Corrections Center or the Washington Corrections Center for Women.

**NEW SECTION.** Sec. 13. A new section is added to chapter 72.09 RCW to read as follows:

The secretary shall, in consultation with the attorney general, adopt by rule a uniform policy that prohibits receipt or possession of anything that is determined to be contraband. The rule shall provide consistent maximum protection of legitimate penological interests, including prison security and order and deterrence of criminal activity. The rule shall protect the legitimate interests of the public and inmates in the exchange of ideas. The secretary shall establish a method of reviewing all incoming and outgoing material, consistent with constitutional constraints, for the purpose of confiscating anything determined to be contraband. The secretary shall consult regularly with the committee created under section 23 of this act on the development of the policy and implementation of the rule.

Sec. 14. RCW 4.24.130 and 1995 c 246 s 34 are each amended to read as follows:

(1) Any person desiring a change of his or her name or that of his or her child or ward, may apply therefor to the district court of the judicial district in which he or she resides, by petition setting forth the reasons for such change; thereupon such court in its discretion may order a change of the name and thenceforth the new name shall be in place of the former.

(2) An offender under the jurisdiction of the department of corrections who applies to change his or her name under subsection (1) of this section shall submit a copy of the application to the department of corrections not fewer than five days before the entry of an order granting the name change. No offender under the jurisdiction of the department of corrections at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate penological interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. An offender under the jurisdiction of the department of corrections who receives an order changing his or her name shall submit a copy of the order to the department of corrections within five days of the entry of the order. Violation of this subsection is a misdemeanor.

(3) The district court shall collect the fees authorized by RCW 36.18.010 for filing and recording a name change order, and transmit the fee and the order to the county auditor. The court may collect a reasonable fee to cover the cost of transmitting the order to the county auditor.

~~((2))~~ (4) Name change petitions may be filed and shall be heard in superior court when the person desiring a change of his or her name or that of his or her child or ward is a victim of domestic violence as defined in RCW 26.50.010(1) and the person seeks to have the name change file sealed due to reasonable fear for his or her safety or that of his or her child or ward. Upon granting the name change, the superior court shall seal the file if the court finds that the safety of the person seeking the name change or his or her child or ward warrants sealing the file. In all cases filed under this subsection, whether or not the name change petition is granted, there shall be no public access to any court record of the name change filing, proceeding, or order, unless the name change is granted but the file is not sealed.

NEW SECTION. Sec. 15. A new section is added to chapter 72.09 RCW to read as follows:

The department may require an offender who obtains an order under RCW 4.24.130 to use the name under which he or she was committed to the department during all official communications with department personnel and in all matters relating to the offender's incarceration or community supervision. An offender officially communicating with the department may also use his or her new name in addition to the name under which he or she was committed. Violation of this section is a misdemeanor.

**Sec. 16.** RCW 72.10.010 and 1989 c 157 s 2 are each amended to read as follows:

As used in this chapter:

- (1) "Department" means the department of corrections.
- (2) "Health care practitioner" means an individual or firm licensed or certified to actively engage in a regulated health profession.
- (3) "Health profession" means ~~((and includes))~~ those licensed or regulated professions set forth in RCW 18.120.020(4).
- (4) "Health care facility" means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, federally approved renal dialysis center or facility ~~((federally approved under 42 CFR 405.2100)), or federally approved blood bank ~~((federally licensed under 21 CFR 607)).~~~~
- (5) "Health care services" means ~~((and includes))~~ medical, dental, and mental health care services.
- (6) "Secretary" means the secretary of the department ~~((of corrections))~~.
- (7) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the department, or his or her designee.

**Sec. 17.** RCW 72.10.020 and 1989 c 157 s 3 are each amended to read as follows:

(1) Upon entry into the correctional system, offenders shall receive an initial medical examination. The department shall prepare a health profile for each offender that includes at least the following information: (a) An identification of the offender's serious medical and dental needs; (b) an evaluation of the offender's capacity for work and recreation; and (c) a financial assessment of the offender's ability to pay for all or a portion of his or her health care services from personal resources or private insurance.

(2)(a) The department may develop and implement a ~~((health services))~~ plan for the delivery of health care services and personal hygiene items to ~~((inmates))~~ offenders in the department's ~~((custody))~~ correctional facilities, at the discretion of the secretary, and in conformity with federal law.

(b) To discourage unwarranted use of health care services caused by unnecessary visits to health care providers, offenders shall participate in the costs of their health care services by paying a nominal amount of no less than three dollars per visit, as determined by the secretary. Under the authority granted in RCW 72.01.050(2), the secretary may authorize the superintendent to collect this amount directly from an offender's institution account. All copayments collected from offenders' institution accounts shall be deposited into the general fund.

(c) Offenders are required to make copayments for initial health care visits that are offender initiated and, by rule adopted by the department, may be charged a copayment for subsequent visits related to the medical condition which caused the initial visit. Offenders are not required to pay for emergency

treatment or for visits initiated by health care staff or treatment of those conditions that constitute a serious health care need.

(d) No offender may be refused any health care service because of indigence.

(e) At no time shall the withdrawal of funds for the payment of a medical service copayment result in reducing an offender's institution account to an amount less than the level of indigency as defined in chapter 72.09 RCW.

(3)(a) The department shall report annually to the legislature the following information for the fiscal year preceding the report: (i) The total number of health care visits made by offenders; (ii) the total number of copayments assessed; (iii) the total dollar amount of copayments collected; (iv) the total number of copayments not collected due to an offender's indigency; and (v) the total number of copayments not assessed due to the serious or emergent nature of the health care treatment or because the health care visit was not offender initiated.

(b) The first report required under this section shall be submitted not later than October 1, 1996, and shall include, at a minimum, all available information collected through the second half of fiscal year 1996. This subsection (3)(b) shall expire December 1, 1996.

(4)(a) The secretary shall adopt, by rule, a uniform policy relating to the distribution and replenishment of personal hygiene items for inmates incarcerated in all department institutions. The policy shall provide for the initial distribution of adequate personal hygiene items to inmates upon their arrival at an institution.

(b) The acquisition of replenishment personal hygiene items is the responsibility of inmates, except that indigent inmates shall not be denied adequate personal hygiene items based on their inability to pay for them.

(c) The policy shall provide that the replenishment personal hygiene items be distributed to inmates only in authorized quantities and at intervals that reflect prudent use and customary wear and consumption of the items.

(5) The following become a debt and are subject to section 4 of this act:

(a) All copayments under subsection (2) of this section that are not collected when the visit occurs; and

(b) All charges for replenishment personal hygiene items that are not collected when the item is distributed.

NEW SECTION. Sec. 18. The department shall adopt rules to implement RCW 72.10.020.

NEW SECTION. Sec. 19. The office of financial management shall contract with a private research company to conduct a review of the department of corrections health services delivery and administration to determine whether alternative methods, including other organizational models of service delivery and administration, could be more efficiently achieved by contracting with private vendors and whether there are more cost-efficient methods of providing nonprescription medications. The study shall include an analysis of the impact

expanded privatization of administration or delivery of the services would have on the quality of health services and on critical components of the system including but not limited to eye and dental care and laboratory services. The study shall be submitted to the legislature by December 1, 1996. The decision to implement any recommendations made in the report shall be made by the legislature.

**Sec. 20.** RCW 9.94A.137 and 1993 c 338 s 4 are each amended to read as follows:

(1)(a) An offender is eligible to be sentenced to a work ethic camp if the offender:

~~((a))~~ (i) Is sentenced to a term of total confinement of not less than ~~((twenty-two))~~ sixteen months or more than thirty-six months~~((+~~

~~(b) Is between the ages of eighteen and twenty-eight years)); and~~

~~((e))~~ (ii) Has no current or prior convictions for any sex offenses or for violent offenses other than drug offenses for manufacturing, possession, delivery, or intent to deliver a controlled substance.

(b) The length of the work ethic camp shall be at least one hundred twenty days and not more than one hundred eighty days. Because of the conversion ratio, earned early release time shall not accrue to offenders who successfully complete the program.

(2) If the sentencing judge determines that the offender is eligible for the work ethic camp and is likely to qualify under subsection (3) of this section, the judge shall impose a sentence within the standard range and may recommend that the offender serve the sentence at a work ethic camp. The sentence shall provide that if the offender successfully completes the program, the department shall convert the period of work ethic camp confinement at the rate of one day of work ethic camp confinement to three days of total standard confinement. ~~((The court shall also provide that upon completion of the work ethic camp program, the offender shall be released on community custody for any remaining time of total confinement.))~~ In sentencing an offender to the work ethic camp, the court shall specify: (a) That upon completion of the work ethic camp the offender shall be released on community custody for any remaining time of total confinement; (b) the applicable conditions of supervision on community custody status as required by RCW 9.94A.120(9)(b) and authorized by RCW 9.94A.120(9)(c); and (c) that violation of the conditions may result in a return to total confinement for the balance of the offender's remaining time of confinement.

(3) The department shall place the offender in the work ethic camp program, subject to capacity, unless: (a) The department determines that the offender has physical or mental impairments that would prevent participation and completion of the program(=); (b) the department determines that the offender's custody level prevents placement in the program; or (c) the offender refuses to agree to the terms and conditions of the program.

(4) An ~~((inmate))~~ offender who fails to complete the work ethic camp program, who is administratively terminated from the program, or who otherwise

violates any conditions of supervision, as defined by the department, shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing judge and shall be subject to all rules relating to earned early release time.

~~(5) ((The length of the work ethic camp program shall be at least one hundred twenty days and not more than one hundred eighty days. Because of the conversion ratio, earned early release time shall not accrue to offenders who successfully complete the program.~~

(6)) During the last two weeks prior to release from the work ethic camp program the department shall provide the offender with comprehensive transition training.

NEW SECTION. Sec. 21. A new section is added to chapter 72.09 RCW to read as follows:

(1) The department is authorized to establish a camp for alien offenders and shall be ready to assign offenders to the camp not later than January 1, 1997. The secretary shall locate the camp within the boundaries of an existing department facility.

(2) The secretary, in consultation with the committee established in section 23 of this act, shall prepare a report to the legislature by December 1, 1995, on an implementation plan for the camp. The plan shall include recommendations on meeting the following goals: (a) Expedited deportation of alien offenders; (b) reduced daily costs of incarceration; (c) enhanced public benefit through an emphasis on inmate work and exemption from education programs other than those programs necessary for offenders to understand and follow directions; (d) minimum access to privileges; and (e) maximized use of nonstate resources for the costs of incarceration.

(3) In preparing the plan, the secretary shall address at least the following: (a) Eligibility criteria for prompt admission to the camp; (b) whether to have a minimum and maximum length of stay in the camp; (c) operational elements including residential arrangements, inmate conduct and programming standards, and achieving maximum cooperation with the United States government to expedite deportation of alien offenders and reduce the likelihood that alien offenders who complete the camp will avoid deportation; (d) mitigating adverse impacts the camp may have on other offender programs; (e) meeting the goals set forth in this section; and (f) any state law and fiscal issues that are necessary for implementation of the camp.

(4) The department shall consult with all appropriate public safety organizations and the committee created under section 23 of this act in developing the plan.

\*NEW SECTION. Sec. 22. A new section is added to chapter 72.09 RCW to read as follows:

(1) *The secretary shall establish, at each institution with an inmate population of more than one hundred, a corrections advisory team. The team*

*shall consist of two representatives from management personnel, two representatives from personnel represented by an exclusive bargaining unit selected by those personnel, and not more than three persons from among the education or work programs operating within the institution. The secretary shall invite other groups to select a representative to serve on the team, including but not limited to, the following:*

*(a) The superior court judges in the county in which the institution is located;*

*(b) The prosecuting attorney for the county in which the institution is located;*

*(c) An organization whose primary purpose is legal representation of persons accused or convicted of crimes;*

*(d) A sheriff or police chief whose jurisdiction includes, or is in close proximity to the institution; and*

*(e) An organization whose primary purpose is advocacy of the interests of crime victims.*

*(2) The teams shall meet at least quarterly and have the following duties:*

*(a) Review existing or proposed work and education programs for the purpose of commenting on the program's cost-effectiveness and impact on recidivism;*

*(b) Suggest revisions in existing, or addition of new, programs in the institution; and*

*(c) Identify cost-saving opportunities in institution operations.*

*(3) The superintendent of each institution that meets the criteria in this section shall annually prepare a report to the secretary on the work of the team in his or her institution. The report shall include the superintendent's response to recommendations made by the team. The secretary shall collect and forward the reports to the legislature not later than December 1 of each year, together with such recommendations as the secretary finds appropriate.*

*(4) The secretary shall provide reasonably necessary support, within available funds, for the teams to carry out their duties under this section.*

*(5) Members of a team shall be eligible for travel expenses and per diem under RCW 43.03.050 and 43.03.060.*

\*Sec. 22 was vetoed. See message at end of chapter.

**NEW SECTION. Sec. 23.** A new section is added to chapter 72.09 RCW to read as follows:

(1) There is created a joint committee on corrections cost-efficiencies oversight. The committee shall consist of: (a) Three members of the senate appointed by the president of the senate, two of whom shall be members of the majority party and one of whom shall be a member of the minority party; and (b) three members of the house of representatives, appointed by the speaker of the house of representatives, two of whom shall be members of the majority party and one of whom shall be a member of the minority party.

(2) The committee shall elect a chair and vice-chair. The chair shall be a member of the senate in even-numbered years and a member of the house of representatives in odd-numbered years.

(3) The committee shall:

(a) Review all reports required under sections 25 and 26 of this act;

(b) Review all reports required and recommendations submitted by the teams under section 22 of this act;

(c) Initiate or review studies relevant to the issues of corrections cost-efficiencies and programmatic improvements;

(d) Review all rules proposed by the department to ensure consistency with the purpose of chapter . . . , Laws of 1995 (this act);

(e) Periodically make recommendations to the legislature regarding corrections cost-efficiencies and programmatic improvements; and

(f) By December 1, 1996, report to the legislature the amount of actual and projected cost savings within the department during the 1995-97 biennium and report its further recommendations to address expenditure growth in the department.

(4) This section expires July 1, 1997.

NEW SECTION. Sec. 24. A new section is added to chapter 43.17 RCW to read as follows:

(1) Through June 30, 1997, moneys shall not be appropriated or expended for acquisition of works of art under this chapter to be placed integral to, attached to, or detached within or outside a building or structure owned or operated by the department of corrections if the building or structure is not in existence or under construction as of the effective date of this act.

(2) The Washington state arts commission and the department of corrections shall prepare and deliver a report to the legislature by July 1, 1996, on the feasibility of creating class I or class II correctional industries for the creation of works of art created by resident Washington state artists and funded under this chapter for placement integral to, attached to, or detached within or outside buildings and structures owned or operated by the department of corrections.

(3) The report shall include, but not be limited to, a review of and recommendations on: (a) Whether to provide preferences or incentives to units of government other than the state to acquire works of art created by artists and produced in the department of corrections; (b) the size of a market for public and private sales of art produced in the department of corrections; (c) the appropriate process for selection of works of art to be produced in the department of corrections; and (d) the appropriate work and education skills that would be achieved by inmates engaged in the production of art.

(4) This section expires June 30, 1997.

NEW SECTION. Sec. 25. The department of corrections shall conduct the following reviews and prepare the following reports:



(1) The secretary shall seek federal funding for the incarceration of undocumented felons. The secretary shall pursue amendments to the federal transfer treaty program to facilitate deportation of undocumented alien offenders, specifically current treaties that require voluntary participation by the offender and loss of jurisdiction by the sending agency. The secretary shall seek enforcement of, and pursue amendments to, current federal sanctions for alien reentry, specifically amendments to the allowance of at least two prior felony convictions and at least two prior deportations before indictment for reentry is considered. By December 1, 1995, the secretary shall submit a report on progress on these matters to the legislature and the committee created under section 23 of this act.

(2) The secretary shall review current perimeter security technologies and designs that could minimize or eliminate the need for staffed perimeter guard towers at medium, close, and maximum custody correctional institutions. By December 1, 1995, the secretary shall complete the review and submit a report, including recommendations, to the legislature and the committee created under section 23 of this act.

(3) The secretary shall review the feasibility and desirability of implementing a system to allow prison beds to be used on a rotational basis. The review shall include at least the following: (a) A fiscal analysis of the capital and operating costs of implementing a twelve-hour scheduled rotation in which each prison cell and bed could be used by multiple inmates; and (b) an analysis of how the department would address safety issues that might arise from a rotation system that increases the amount of time inmates would spend out of their cells. By December 1, 1995, the secretary shall submit a report, including recommendations, to the legislature and the committee created under section 23 of this act.

(4) The secretary shall prepare and provide to the legislature by July 1, 1996, a report on the implementation of the administrative and programmatic changes required by sections 5 through 8, 17, and 22 of this act. The report shall provide a comparative measure of the total number and percentages of inmates who obtain a composite eighth grade level of basic academic skills after implementation of chapter . . . , Laws of 1995 (this act).

***\*NEW SECTION. Sec. 26. The department of corrections shall cooperate in the preparation of the following reviews and reports:***

***(1) The office of the state auditor shall review the department's budgeting process and operating budget request to the governor for the 1995-97 biennium. By December 1, 1995, the office of the state auditor shall submit a report of its findings and recommendations to the legislature and the secretary of corrections.***

***(2) The department of transportation shall review the feasibility and desirability of privatizing the department of corrections marine fleet, operation, or both. The review shall include a comparison of department of corrections employee salaries with equivalent private marine positions salaries. By December 1, 1995, the department of transportation shall submit its report,***

*including recommendations, to the secretary of corrections, the legislature, and the committee created under section 23 of this act.*

*(3) The office of financial management and the department of general administration shall jointly review the food planning model developed by the department of corrections for possible expansion to a uniform, state-wide planning, purchasing, and distribution of food products for state institutions, including but not limited to prisons, juvenile correctional institutions, and state hospitals. By December 1, 1995, the office of financial management and the department of general administration shall submit their report, including recommendations, to the secretary of corrections, the legislature, and the committee created under section 23 of this act.*

*(4) The printing and duplicating management center in the department of general administration shall review the feasibility and desirability of establishing a class II correctional industry within one or more correctional institutions, a print shop, and printers apprentice program. By December 1, 1995, the center shall submit its report, including recommendations, to the secretary of corrections, the legislature, and the committee created by section 23 of this act.*

*\*Sec. 26 was vetoed. See message at end of chapter.*

**NEW SECTION.** Sec. 27. (1)(a) In addition to the requirements of section 24 of this act, the correctional industries board of directors shall review the following options for expanding work programs, as defined in section 3 of this act: (i) Recycling of inorganic materials within or without the facilities; (ii) redesigning and refabrication of industrial products; (iii) data management services; (iv) industrial food services; (v) expanded opportunities for construction and maintenance of state adult and juvenile correctional institutions; (vi) construction of migrant farmworker housing using state and federal housing funds; (vii) opportunities for support staffing in recreation and fitness programs within institutions; (viii) use of the Airway Heights prison kitchen to prepare kosher meals for correctional facilities inside and outside Washington state; and (ix) horticulture specialty crops. The board shall consider the cost of the studies in determining the order of conducting the studies.

(b) The board shall examine at least the following in preparing its report: (i) The existence and sustainability of a public and private market for the item; (ii) the impact development of an option would have on private and public competitors producing the same item; (iii) demands on the resources of the department, including transportation and security costs; (iv) the number of job opportunities likely to be created; (v) requirements for staff training; and (vi) the costs and benefits of each option.

(2) The board shall report its findings and recommendations to the secretary and the committee created under section 23 of this act by June 30, 1996.

(3) The correctional industries board of directors and the secretary of corrections shall jointly review all current and proposed education and vocational training programs. The review shall identify whether the curriculum corresponds to current and proposed correctional industries jobs and whether the curriculum

teaches skills relevant to employment opportunities inmates may qualify for after they are released. Upon completion of the review, the board and the secretary shall submit a joint report of their findings and recommendations to the legislature by December 1, 1995.

**NEW SECTION. Sec. 28.** (1) The secretary of corrections shall seek to expand the use of, and opportunities at, the correctional facility at McNeil Island. To accomplish this the secretary shall, among other things, make a formal request to the appropriate federal agencies for a waiver of environmental impact restrictions in order to increase the agricultural yield on McNeil Island. Additionally, the secretary shall seek authorization from the appropriate federal agencies to expand the acreage available for use at McNeil Island. The secretary shall initiate the request for waivers by August 1, 1995, and shall advise the committee created under section 23 of this act of the waiver request and any response to the request.

(2) If there are state statutory or regulatory constraints which operate to impede expanding the opportunities at, or size of, the facility at McNeil Island, the secretary shall inform the legislature and recommend any appropriate revisions.

**Sec. 29.** RCW 9.95.210 and 1995 c 33 s 6 are each amended to read as follows:

(1) In granting probation, the court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

(2) In the order granting probation and as a condition thereof, the court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the court shall require the payment of the penalty assessment required by RCW 7.68.035. The court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary: ~~((4))~~ (a) To comply with any order of the court for the payment of family support~~((2))~~; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement~~((3))~~; (c) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required~~((4))~~; (d) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody

or as a condition of probation(~~((5))~~); (e) to contribute to a county or interlocal drug fund(~~(7)~~); and (~~((6))~~) (f) to make restitution to a public agency for the costs of an emergency response under RCW 38.52.430, and may require bonds for the faithful observance of any and all conditions imposed in the probation.

(3) The court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of imposition of the sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(4) In granting probation, the court (~~(shall)~~) may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow (~~(implicitly)~~) the instructions of the secretary.

(5) If the probationer has been ordered to make restitution and the court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If the court has ordered supervision and restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

Sec. 30. RCW 9.92.060 and 1987 c 202 s 142 are each amended to read as follows:

(1) Whenever any person (~~(shall be)~~) is convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, (~~(earnst knowledge)~~) rape of a (~~(female)~~) child (~~((under the age of ten years))~~), or rape, the court may in its discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by such court, and that the sentenced person be placed under the charge of a (~~(parole or peace officer during the term of such suspension,)~~) community corrections officer employed by the department of corrections upon such terms as the court may determine(~~((PROVIDED, That))~~).

(2) As a condition to suspension of sentence, the court shall require the payment of the penalty assessment required by RCW 7.68.035(~~((PROVIDED FURTHER, That as a condition to suspension of sentence))~~). In addition, the court may require the convicted person to make such monetary payments, on such terms as the court deems appropriate under the circumstances, as are

necessary ~~((1))~~; (a) To comply with any order of the court for the payment of family support ~~((2))~~; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement ~~((3))~~; (c) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required ~~((4))~~; and ~~((4))~~ (d) to contribute to a county or interlocal drug fund. ~~((In no case shall a sentence be suspended under the provisions of this section unless the person if sentenced to confinement in a penal institution be placed under the charge of a parole officer, who is a duly appointed and acting officer of the institution to which the person is sentenced. PROVIDED, That persons convicted in district court may be placed under supervision of a probation officer employed for that purpose.))~~

(3) As a condition of the suspended sentence, the court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary.

(4) If restitution to the victim has been ordered under subsection (2)(b) of this section and the court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made as ordered. If the court has ordered supervision and restitution has not been made, the officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence.

NEW SECTION. Sec. 31. A new section is added to chapter 9.95 RCW to read as follows:

(1) The Washington state law and justice advisory council, appointed under RCW 72.09.300(7), shall by October 1, 1995, develop proposed standards for the supervision of misdemeanor probationers sentenced by superior courts under RCW 9.92.060 or 9.95.210. In developing the standards, the council shall consider realistic current funding levels or reasonable expansions thereof, the recommendations of the department of corrections, county probation departments, superior and district court judges, and the misdemeanor corrections association. The supervision standards shall establish classifications of misdemeanor probationers based upon the seriousness of the offense, the perceived risks to the community, and other relevant factors. The standards may provide discretion to officials supervising misdemeanor probationers to adjust the supervision standards, for good cause, based upon individual circumstances surrounding the probationer. The supervision standards shall include provisions for reciprocal supervision of offenders who are sentenced in counties other than their counties of residence.

(2) The department of corrections shall report to the legislature by December 1, 1995, the estimated cost of fully implementing the proposed standards. The report shall rank by relative costs each of the elements of the proposed standards and shall identify the total daily supervision cost per offender. The report shall also include an accounting of the amount of supervision fees assessed and collected by the department under section 32 of this act.

**NEW SECTION. Sec. 32.** A new section is added to chapter 9.95 RCW to read as follows:

Whenever a defendant convicted of a misdemeanor or gross misdemeanor is placed on probation under RCW 9.92.060 or 9.95.210, and the defendant is supervised by the department of corrections, the department may assess and collect from the defendant for the duration of the term of supervision a monthly assessment not to exceed one hundred dollars per month. This assessment shall be paid to the department and shall be applied, along with funds appropriated by the legislature, toward the payment or part payment of the cost of supervising the defendant.

**Sec. 33.** RCW 72.09.100 and 1994 c 224 s 1 are each amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) **CLASS I: FREE VENTURE INDUSTRIES.** The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers. The correctional industries board of directors shall review these proposed industries before the department contracts to provide such products or services. The review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community and labor market.

The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine

the comparable wage, then the pay shall not be less than the federal minimum wage.

An inmate who is employed in the class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

(2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations. The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to public agencies, to nonprofit organizations, and to private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization. Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons. Correctional industries products and services shall be reviewed by the correctional industries board of directors before offering such products and services for sale to private contractors. The board of directors shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus byproducts and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

Security and custody services shall be provided without charge by the department of corrections.

Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

Subject to approval of the correctional industries board, provisions of RCW 41.06.380 prohibiting contracting out work performed by classified employees shall not apply to contracts with Washington state businesses entered into by the department of corrections through class II industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

(a) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

(b) Whenever possible, to provide forty hours of work or work training per week.

(c) Whenever possible, to offset tax and other public support costs.

Supervising, management, and custody staff shall be employees of the department.

All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY SERVICE PROGRAMS. Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an inmate, placed on community supervision, to work off all or part of a community service order as ordered by the sentencing court.

Employment shall be in a community service program operated by the state, local units of government, or a nonprofit agency.

To the extent that funds are specifically made available for such purposes, the department of corrections shall reimburse nonprofit agencies for workers compensation insurance costs.

***\*NEW SECTION. Sec. 34. The legislature requires reductions in department of corrections staffing levels appropriated by the 1995-97 omnibus appropriations act be implemented so as to preserve the safe and orderly operation of the institutions, including the safety of staff, visitors, and inmates and to protect public safety. To accomplish this, the department shall target***



*staff reductions in: (1) Exempt positions within the department's headquarters and division of prisons such as assistant secretaries, assistants to the secretary, superintendents, associate superintendents, and federal and state liaisons; and (2) management positions of lieutenant and above as classified by the department of personnel.*

\*Sec. 34 was vetoed. See message at end of chapter.

**\*NEW SECTION.** *Sec. 35. A new section is added to chapter 72.09 RCW to read as follows:*

*The ratio of recreational leader positions 2, 3, and 4 to average daily inmate population within the department shall be maintained as established pursuant to the 1995 omnibus appropriations act.*

\*Sec. 35 was vetoed. See message at end of chapter.

**NEW SECTION.** *Sec. 36. RCW 72.09.020 and 1988 c 153 s 7 & 1981 c 136 s 7 are each repealed.*

**NEW SECTION.** *Sec. 37. This act shall be known as the department of corrections cost-efficiency and inmate responsibility omnibus act.*

**NEW SECTION.** *Sec. 38. 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. 39. If specific funding for the purpose of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act shall be null and void.*

\*Sec. 39 was vetoed. See message at end of chapter.

**NEW SECTION.** *Sec. 40. 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 May 18, 1995.

Passed the Senate May 22, 1995.

Approved by the Governor June 15, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State June 15, 1995.

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

"I am returning herewith, without my approval as to sections 22, 26, 34, 35, and 39, Second Engrossed Second Substitute House Bill No. 2010 entitled:

"AN ACT Relating to Corrections;"

Second Engrossed Second Substitute House Bill No. 2010 represents hard work and strong commitment. I applaud the 1995 legislature for taking on the rigorous task of examining ways to make inmates more accountable and the Department of Corrections more efficient. This legislation is far reaching and required an appreciation and understanding of varied and often conflicting philosophies and agendas. While I note some concerns with this legislation, it is vital to note my great confidence in our accomplishing the goals addressed.

I will begin by addressing an important issue raised in section 21, which I am not vetoing. This section authorizes the Department of Corrections to establish a camp for alien offenders. The Department of Corrections is also directed to develop an

implementation plan for the camp by December 1, 1995 and be ready to assign offenders to a camp, if any is established, by January 1, 1997. Section 21, on its face, applies to all alien offenders, whether documented or undocumented, and whether or not the offenses for which they are incarcerated leave them subject to deportation. Further, the goals for the camp — to expedite deportation and reduce costs — envision early release by the Department of Corrections and rapid deportation by federal officials. It is clear that a great deal of continued state and federal effort and cooperation will be necessary before this vision is realized.

Of most importance, however, is the need to avoid any appearance that the state of Washington is sending an anti-alien message generally. We have all seen the regrettable results of cost saving or efficiency measures escalating into issues of discrimination or even ethnic separation. I have been assured, however, that no such message should be read into the language of this section. I have received a letter signed by Representative Ballasiotes on behalf of the members of the conference committee who worked so hard on the details of this legislation. She states that only "non-legal" alien offenders are or ever were to be considered for participation in the proposed camp.

It is with that understanding that I approve this section. The Department of Corrections will have much needed time and flexibility to work with federal officials and return to the legislature with plans and concerns. I share the desire expressed by Representative Ballasiotes that we work closely together on further development and implementation. We will do so.

Section 22 requires the Department to create a "Corrections Advisory Team" at each institution with more than 100 offenders. While I strongly support the advisory value of stakeholders in the cost-effective operation of our prisons, there are a number of reasons for removing this section. First, the mandated advisory teams are duplicative of existing oversight represented by state and local labor-management committees provided for in collective bargaining agreements; state and local law and justice planning committees provided for in RCW 72.09.300; the correctional industries board provided in RCW 72.09.070; and the institutional, community advisory committees authorized under RCW 43.88.500-515.

The advisory teams mandated by this section generate added costs to the taxpayers for team support services, travel expenses, per diem costs, and backfill expenses related to mandated staff membership. Further, in the absence of any mandate that these teams work together relative to the total operation of the prison system, there is high risk that program fragmentation would occur, exacerbating rather than reducing system inefficiencies and costs. In spite of the veto of this section, we must work together to promote operational efficiencies and I strongly encourage cooperation between management and line level employees at each institution through existing mechanisms.

Section 26 is divided into four subsections requiring that four different studies be conducted. The drafting in certain subsections is unclear as to exactly what is to be studied and no funds are provided to conduct them. Although technical and fiscal concerns as outlined below dictate a veto of this section, I will direct the affected agencies to work with legislators and legislative staff, to the greatest extent possible without additional resources, to provide the legislature with all of the information requested.

Subsection 1 directs the State Auditor to review the Department of Corrections budgeting process and operating budget request for the 1995-97 biennium. The agency budget request is a part of a complex budget process that ultimately produces several sections in an appropriations act. The Department of Corrections' budget is reviewed by the Office of Financial Management in preparation for my budget recommendation, and then reviewed by both House and Senate Committees. It is unclear what the Auditor is to make recommendations on. If the intent was to perform a performance audit, it is not stated here. Budget development and related policy implications are the arena of the executive branch and the legislature. The role of the Auditor is to ensure the legal implementation of those budgets.

Subsection 2 directs the Department of Transportation to review the feasibility and desirability of privatizing the Department of Corrections marine fleet, operation, or both. The Department of Transportation has expressed a willingness to conduct this feasibility

study within existing resources, and will report to the legislature as outlined in this subsection.

Subsection 3 directs the Office of Financial Management and the Department of General Administration to review the food planning model developed by the Department of Corrections for possible expansion to a uniform state-wide system. I will direct these agencies to examine this topic and communicate their findings to the legislature.

Subsection 4 directs the printing and duplicating management center of the Department of General Administration (GA) to review the feasibility and desirability of establishing a class II correctional industry within one or more correctional institutions. The printing and duplicating management center of GA no longer exists. In addition, Correctional Industries already operates printing facilities pursuant to agreements with the State Printer. With regard to the development of a printer's apprentice program, the Department of Corrections has consistently worked to expand apprentice programs across the entire continuum of Correctional Industries programs.

Section 34 conflicts with the assumptions contained in Section 223 (Department of Corrections) of Engrossed Substitute House Bill 1410, the Omnibus Appropriations Act. Staff reductions and efficiencies will be implemented consistent with the assumptions in the Omnibus Appropriations Act.

Section 35 places into statute the staffing ratios for recreational leader positions 2, 3, and 4 as provided for in the omnibus appropriations act. This approach fails to account for the expansion to new facilities or the changing environment within the corrections system. In addition, the language is inconsistent with other sections of this act which direct Correctional Industries (CI) to study the possibility of a work program to provide opportunities for support staffing in recreation and fitness programs. All of these could result in changes in these staffing levels. The Omnibus Appropriations Act is the appropriate vehicle to deal with this issue, placing it under a biennial review.

Section 39 states that this bill shall be null and void if it is not referenced in the biennial budget. Section 40 declares an emergency and states that the bill shall take effect immediately. These two sections are inconsistent. If a bill is "necessary for the immediate preservation of the public peace, health, and safety" it cannot also be subject to the uncertainties of the appropriation process. There are some elements of this bill that will provide immediate benefits and are consistent with the immediate implementation provided by section 40. Therefore, I am vetoing section 39.

For these reasons, I am vetoing sections 22, 26, 34, 35 and 39 of Second Engrossed Second Substitute House Bill No. 2010.

With the exception of sections 22, 26, 34, 35 and 39, Second Engrossed Second Substitute House Bill No. 2010 is approved."

## CHAPTER 20

[Second Engrossed Senate Bill 5852]

### PRESIDENTIAL PRIMARY

AN ACT Relating to the presidential preference primary; amending RCW 29.19.020, 29.19.070, and 29.19.080; adding new sections to chapter 29.19 RCW; repealing RCW 29.19.040, 29.19.050, and 29.19.060; and declaring an emergency.

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

**Sec. 1.** RCW 29.19.020 and 1989 c 4 s 2 are each amended to read as follows:

(1) On the fourth Tuesday in May of each year (~~when~~) in which a president of the United States is to be nominated and elected, (~~or such other date as may be selected by the secretary of state to advance the concept of a regional primary;~~) a presidential (~~preference~~) primary shall be held at which

voters may (~~express their preferences as to who should be~~) vote for the nominee of a major political party for the office of president. The secretary of state may propose an alternative date for the primary no later than the first day of August of the year before the year in which a president is to be nominated and elected.

(2) No later than the first day of September of the year before the year in which a presidential nominee is selected, the state committee of any major political party that will use the primary results for candidates of that party may propose an alternative date for that primary.

(3) If an alternative date is proposed under subsection (1) or (2) of this section a committee consistin of the chair and the vice-chair of the state committee of each major political party, the secretary of state, the majority leader and minority leader of the senate, and the speaker and the minority leader of the house of representatives shall meet and, if affirmed by a two-thirds vote of the members of the committee, the date of the primary shall be changed. The committee shall meet and decide on the proposed alternate date not later than the first day of October of the year before the year in which a presidential nominee is selected. The secretary of state shall convene and preside over the meeting of the committee. A committee member other than a legislator may appoint, in writing, a designee to serve on his or her behalf. A legislator who is a member of the committee may appoint, in writing, another legislator to serve on his or her behalf.

(4) If an alternate date is approved under this section, the secretary of state shall adopt rules under RCW 29.19.070 to adjust the deadlines in RCW 29.19.030 and related provisions of this chapter to correspond with the date that has been approved.

NEW SECTION. Sec. 2. A new section is added to chapter 29.19 RCW to read as follows:

(1) Except where necessary to accommodate the national or state rules of a major political party or where this chapter specifically provides otherwise, the presidential primary must be conducted in substantially the same manner as a state partisan primary under this title.

(2) Except as provided under this chapter or by rule of the secretary of state adopted under RCW 29.19.070, the arrangement and form of presidential primary ballots must be substantially as provided for a partisan primary under this title. Whenever requested by a major political party, a separate ballot containing only the candidates of that party who have qualified under RCW 29.19.030 must be provided for a voter who requests a ballot of that party. A primary ballot, containing the names of all the candidates who have qualified for a place on the ballot under RCW 29.19.030, must be provided for nonaffiliated voters.

(3) The ballot must list alphabetically the names of all candidates for the office of president. The ballot must indicate the political party of each candidate adjacent to the name of that candidate. Each ballot must include a blank space to allow the voter to write in the name of any other candidate.

(4) A presidential primary ballot with votes for more than one candidate is void, and notice to this effect, stated in clear, simple language and printed in large type, must appear on the face of each presidential primary ballot or on or about each voting device.

**NEW SECTION. Sec. 3.** A new section is added to chapter 29.19 RCW to read as follows:

(1) A major political party may, under national or state party rules, base the allocation of delegates from this state to the national nominating convention of that party in whole or in part on the participation in precinct caucuses and conventions conducted under the rules of that party.

(2) If requested by a major political party, the secretary of state shall adopt rules under RCW 29.19.070 to provide for any declaration required by that party.

(3) Voters who subscribe to a specific political party declaration under this section must be given ballots that are readily distinguishable from those given to other voters. Votes cast by persons making these declarations must be tabulated and reported separately from other votes cast at the primary and may be used by a major political party in its allocation of delegates under the rules of that party.

(4) For a political party that requires a specific voter declaration under this section, the secretary of state shall prescribe rules for providing, to the state and county committees of that political party, a copy of the declarations or a list of the voters who participated in the presidential nominating process of that party.

**Sec. 4.** RCW 29.19.070 and 1989 c 4 s 7 are each amended to read as follows:

The secretary of state as chief election officer may make rules in accordance with chapter 34.05 RCW (~~or its statutory successor~~) to facilitate the operation, accomplishment, and purpose of this chapter. The secretary of state shall adopt rules consistent with this chapter to comply with national or state political party rules.

**Sec. 5.** RCW 29.19.080 and 1989 c 4 s 8 are each amended to read as follows:

Subject to available funds specifically appropriated for this purpose, whenever a presidential (~~preference~~) primary (~~election~~) is held as provided by this chapter, the state of Washington shall assume all costs of holding the (~~election~~) primary if it is held alone. If any other election or elections are held at the same time, the state is liable only for (~~its~~) a prorated share of the costs. The county auditor shall determine the (~~election~~) costs, including the state's prorated share, if applicable, in the same manner as provided under RCW 29.13.045 and shall file a certified claim (~~therefore~~) with the secretary of state. The secretary of state shall (~~compile such claims for presentation to the next succeeding legislature in the same manner as other legislative relief claims~~) include in his or her biennial budget requests sufficient funds to carry out this

section. Reimbursements for primary costs must be from appropriations specifically provided by law for that purpose.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

- (1) RCW 29.19.040 and 1989 c 4 s 4;
- (2) RCW 29.19.050 and 1989 c 4 s 5; and
- (3) RCW 29.19.060 and 1989 c 4 s 6.

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 takes effect immediately.

Passed the Senate May 23, 1995.

Passed the House May 23, 1995.

Approved by the Governor June 15, 1995.

Filed in Office of Secretary of State June 15, 1995.

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# **WASHINGTON LAWS**

**1995 SECOND SPECIAL SESSION**

**1995 SECOND SP. SESSION**





# **WASHINGTON LAWS**

**1995 SECOND SPECIAL SESSION**



CHAPTER I

[Filed by Washington Citizens' Commission on Salaries for Elected Officials]

SALARIES—STATE ELECTED OFFICIALS

AN ACT Relating to salaries of elected officials; and amending RCW 43.03.011, 43.03.012, and 43.03.013.

Be it enacted by the Washington Citizens' Commission on Salaries for Elected Officials:

Sec. 1. RCW 43.03.011 and 1993 sp.s. c 26 s 1 are each amended to read as follows:

Pursuant to Article XXVIII, section 1 of the state Constitution and RCW 43.03.010 and 43.03.310, the annual salaries of the state elected officials of the executive branch shall be as follows:

~~(1) ((Effective September 3, 1992:~~

<del>(a) Governor</del> .....	<del>\$ 121,000</del>
<del>(b) Lieutenant governor</del> .....	<del>\$ 62,700</del>
<del>(c) Secretary of state</del> .....	<del>\$ 64,300</del>
<del>(d) Treasurer</del> .....	<del>\$ 79,500</del>
<del>(e) Auditor</del> .....	<del>\$ 84,100</del>
<del>(f) Attorney general</del> .....	<del>\$ 92,000</del>
<del>(g) Superintendent of public instruction</del> .....	<del>\$ 86,600</del>
<del>(h) Commissioner of public lands</del> .....	<del>\$ 86,600</del>
<del>(i) Insurance commissioner</del> .....	<del>\$ 77,200</del>

~~(2))) Effective September 1, 1993:~~

<del>(a) Governor</del> .....	<del>\$ 121,000</del>
<del>(b) Lieutenant governor</del> .....	<del>\$ 62,700</del>
<del>(c) Secretary of state</del> .....	<del>\$ 64,300</del>
<del>(d) Treasurer</del> .....	<del>\$ 79,500</del>
<del>(e) Auditor</del> .....	<del>\$ 84,100</del>
<del>(f) Attorney general</del> .....	<del>\$ 92,000</del>
<del>(g) Superintendent of public instruction</del> .....	<del>\$ 86,600</del>
<del>(h) Commissioner of public lands</del> .....	<del>\$ 86,600</del>
<del>(i) Insurance commissioner</del> .....	<del>\$ 77,200</del>

(2) Effective September 1, 1995:

<u>(a) Governor</u> .....	<u>\$ 121,000</u>
<u>(b) Lieutenant governor</u> .....	<u>\$ 62,700</u>
<u>(c) Secretary of state</u> .....	<u>\$ 64,300</u>
<u>(d) Treasurer</u> .....	<u>\$ 84,100</u>
<u>(e) Auditor</u> .....	<u>\$ 84,100</u>
<u>(f) Attorney general</u> .....	<u>\$ 92,000</u>
<u>(g) Superintendent of public instruction</u> .....	<u>\$ 86,600</u>
<u>(h) Commissioner of public lands</u> .....	<u>\$ 86,600</u>
<u>(i) Insurance commissioner</u> .....	<u>\$ 77,200</u>

(3) The lieutenant governor shall receive the fixed amount of his salary plus 1/260th of the difference between his salary and that of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor.

Sec. 2. RCW 43.03.012 and 1993 sp.s. c 26 s 2 are each amended to read as follows:

Pursuant to Article XXVIII, section 1 of the state Constitution and RCW 2.04.092, 2.06.062, 2.08.092, 3.58.010, and 43.03.310, the annual salaries of the judges of the state shall be as follows:

~~(1) ((Effective September 3, 1992:~~

<del>(a) Justices of the supreme court</del> .....	<del>\$ 107,200</del>
<del>(b) Judges of the court of appeals</del> .....	<del>\$ 101,900</del>
<del>(c) Judges of the superior court</del> .....	<del>\$ 96,600</del>
<del>(d) Full-time judges of the district court</del> .....	<del>\$ 91,900</del>

~~(2)) Effective September 1, 1993:~~

(a) Justices of the supreme court	\$ 107,200
(b) Judges of the court of appeals	\$ 101,900
(c) Judges of the superior court	\$ 96,600
(d) Full-time judges of the district court	\$ 91,900

(2) Effective September 1, 1995:

<u>(a) Justices of the supreme court</u> .....	<u>\$ 109,880</u>
<u>(b) Judges of the court of appeals</u> .....	<u>\$ 104,448</u>
<u>(c) Judges of the superior court</u> .....	<u>\$ 99,015</u>
<u>(d) Full-time judges of the district court</u> .....	<u>\$ 94,198</u>

(3) The salary for a part-time district court judge shall be the proportion of full-time work for which the position is authorized, multiplied by the salary for a full-time district court judge.

Sec. 3. RCW 43.03.013 and 1993 sp.s. c 26 s 3 are each amended to read as follows:

Pursuant to Article XXVIII, section I of the state Constitution and RCW 43.03.010 and 43.03.310, the annual salary of members of the legislature shall be:

~~(1) ((Effective September 3, 1992:~~

<del>(a) Legislator</del> .....	<del>\$ 25,900</del>
<del>(b) Speaker of the house</del> .....	<del>\$ 33,900</del>
<del>(c) Senate majority leader</del> .....	<del>\$ 29,900</del>
<del>(d) Senate minority leader</del> .....	<del>\$ 29,900</del>
<del>(e) House minority leader</del> .....	<del>\$ 29,900</del>

~~(2)) Effective September 1, 1993:~~

(a) Legislator	\$ 25,900
(b) Speaker of the house	\$ 33,900
(c) Senate majority leader	\$ 29,900

(d) Senate minority leader . . . . .	\$ 29,900
(e) House minority leader . . . . .	\$ 29,900
<u>(2) Effective September 1, 1995:</u>	
<u>(a) Legislator . . . . .</u>	<u>\$ 27,100</u>
<u>(b) Speaker of the house . . . . .</u>	<u>\$ 35,100</u>
<u>(c) Senate majority leader . . . . .</u>	<u>\$ 31,100</u>
<u>(d) Senate minority leader . . . . .</u>	<u>\$ 31,100</u>
<u>(e) House minority leader . . . . .</u>	<u>\$ 31,100</u>
<u>(3) Effective September 1, 1996:</u>	
<u>(a) Legislator . . . . .</u>	<u>\$ 28,300</u>
<u>(b) Speaker of the house . . . . .</u>	<u>\$ 36,300</u>
<u>(c) Senate majority leader . . . . .</u>	<u>\$ 32,300</u>
<u>(d) Senate minority leader . . . . .</u>	<u>\$ 32,300</u>
<u>(e) House minority leader . . . . .</u>	<u>\$ 32,300</u>

Colleen Hoss, Chair  
Washington Citizens' Commission on  
Salaries for Elected Officials

Filed in Office of Secretary of State May 26, 1995

**CHAPTER 2**

[Engrossed Substitute House Bill 1741]

**WINE AND GRAPE RESEARCH**

AN ACT Relating to moneys for wine and wine grape research; and creating a new section.  
Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** It is the intent of the legislature to fund wine and wine grape research at Washington State University during the 1995-97 fiscal biennium.

Passed the House May 24, 1995.  
Passed the Senate May 25, 1995.  
Approved by the Governor June 14, 1995.  
Filed in Office of Secretary of State June 14, 1995.

**CHAPTER 3**

[House Bill 2076]

**DRIVERS' LICENSE FEES DISPOSITION**

AN ACT Relating to disposition of drivers' license fees; amending RCW 46.68.041; providing an effective date; and declaring an emergency.

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

**Sec. 1.** RCW 46.68.041 and 1985 ex.s. c 1 s 12 are each amended to read as follows:

~~((1))~~ The department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund ~~((except as otherwise provided in this section.~~

~~(2) Out of each fee of fourteen dollars collected for a driver's license, the sum of ten dollars and twenty cents shall be deposited in the highway safety fund, and three dollars and eighty cents shall be deposited in the general fund).~~

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

Passed the House May 25, 1995.

Passed the Senate May 25, 1995.

Approved by the Governor June 14, 1995.

Filed in Office of Secretary of State June 14, 1995.

## CHAPTER 4

[Engrossed Senate Bill 5269]

### RAFFLE TICKETS

AN ACT Relating to raffle tickets; and amending RCW 9.46.0277.

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

Sec. 1. RCW 9.46.0277 and 1987 c 4 s 20 are each amended to read as follows:

"Raffle," as used in this chapter, means a game in which tickets bearing an individual number are sold for not more than ~~((five))~~ twenty-five dollars each and in which a prize or prizes are awarded on the basis of a drawing from the tickets by the person or persons conducting the game, when the game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of the organization takes any part in the management or operation of the game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting the game.

Passed the Senate May 24, 1995.

Passed the House May 24, 1995.

Approved by the Governor June 14, 1995.

Filed in Office of Secretary of State June 14, 1995.

## CHAPTER 5

[Engrossed Substitute House Bill 1913]

## FILM AND VIDEO PRODUCTION COMPANIES—TAX EXEMPTION

AN ACT Relating to taxation of equipment and services used by film and video production companies; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date, and declaring an emergency.

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

**NEW SECTION.** Sec. 1. A new section is added to chapter 82.08 RCW to read as follows:

(1) As used in this section:

(a) "Production equipment" means the following when used in motion picture or video production or postproduction: Grip and lighting equipment, cameras, camera mounts including tripods, jib arms, steadicams, and other camera mounts, cranes, dollies, generators, helicopter mounts, helicopters rented for motion picture or video production, walkie talkies, vans and trucks specifically equipped for motion picture or video production, wardrobe and makeup trailers, special effects and stunt equipment, video assists, videotape recorders, cables and connectors, telepromoters, sound recording equipment, and editorial equipment.

(b) "Production services" means motion picture and video processing, printing, editing, duplicating, animation, graphics, special effects, negative cutting, conversions to other formats or media, stock footage, sound mixing, rerecording, sound sweetening, sound looping, sound effects, and automatic dialog replacement.

(c) "Motion picture or video production business" means a person engaged in the production of motion pictures and video tapes for exhibition, sale, or for broadcast by a person other than the person producing the motion picture or video tape.

(2) The tax levied by RCW 82.08.020 does not apply to the rental of production equipment, or the sale of production services, to a motion picture or video production business.

(3) The exemption provided for in this section shall not apply to rental of production equipment, or the sale of production services, to a motion picture or video production business that is engaged, to any degree, in the production of erotic material, as defined in RCW 9.68.050.

**NEW SECTION.** Sec. 2. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter shall not apply in respect to the use of:

(a) Production equipment rented to a motion picture or video production business;

(b) Production equipment acquired and used by a motion picture or video production business in another state, if the acquisition and use occurred more than ninety days before the time the motion picture or video production business entered this state.

(2) As used in this section, "production equipment" and "motion picture or video production business" have the meanings given in section 1 of this act.

(3) The exemption provided for in this section shall not apply to the use of production equipment rented to, or production equipment acquired and used by, a motion picture or video production business that is engaged, to any degree, in the production of erotic material, as defined in RCW 9.68.050.

**NEW SECTION.** Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

Passed the House May 24, 1995.

Passed the Senate May 24, 1995.

Approved by the Governor June 15, 1995.

Filed in Office of Secretary of State June 15, 1995.

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## CHAPTER 6

[Substitute House Bill 1057]

### CANOLA—BUSINESS AND OCCUPATION TAX

AN ACT Relating to changing the tax rates for canola; amending RCW 82.04.260, providing an effective date, and declaring an emergency.

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

**Sec. 1.** RCW 82.04.260 and 1993 sp.s. c 25 s 104 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, canola, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.011 percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, ((~~o~~) oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.275 percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of 0.138 percent.



(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of 0.33 percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of 0.275 percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of 0.275 percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.363 percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of 0.363 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature

whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of 1.1 percent.

(15) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900.

**NEW SECTION.** Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

Passed the House May 24, 1995.

Passed the Senate May 24, 1995.

Approved by the Governor June 15, 1995.

Filed in Office of Secretary of State June 15, 1995.

**CHAPTER 7**

[House Bill 1102]

**FOOD FISH AND SHELLFISH—TAX EXEMPTION**

AN ACT Relating to tax exemptions for food fish or shellfish; amending RCW 82.27.030; providing an effective date; and declaring an emergency.

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

**Sec. 1.** RCW 82.27.030 and 1985 c 413 s 3 are each amended to read as follows:

The tax imposed by RCW 82.27.020 shall not apply to: (1) Enhanced food fish originating outside the state which enters the state as (a) frozen enhanced food fish or (b) enhanced food fish packaged for retail sales; (2) the growing, processing, or dealing with food fish or shellfish which are raised from eggs ((~~or~~)), fry, or larvae and which are under the physical control of the grower at all times until being sold or harvested; and (3) food fish, shellfish, anadromous game fish, and byproducts or parts of food fish shipped from outside the state which enter the state, except as provided in RCW 82.27.010, provided the taxpayer must have documentation showing shipping origination of fish exempt under this subsection to qualify for exemption. Such documentation includes, but is not limited to fish tickets, bills of lading, invoices, or other documentation required to be kept by governmental agencies.

**NEW SECTION.** **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

Passed the House May 24, 1995.

Passed the Senate May 24, 1995.

Approved by the Governor June 15, 1995.

Filed in Office of Secretary of State June 15, 1995.

**CHAPTER 8**

[Substitute House Bill 1279]

**MAGAZINES—SALES TAX EXEMPTION FOR FUNDRAISING SUBSCRIPTION SALES**

AN ACT Relating to sales and distribution of magazines by subscription; adding a new section to chapter 82.08 RCW; providing an effective date; and declaring an emergency.

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

**NEW SECTION.** **Sec. 1.** A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to the sales and distribution of magazines or periodicals by subscription for the purposes of fundraising by (1) educational institutions as defined in RCW 82.04.170, or (2) nonprofit organizations engaged in activities primarily for the benefit of boys and girls nineteen years and younger.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

Passed the House May 24, 1995.

Passed the Senate May 24, 1995.

Approved by the Governor June 15, 1995.

Filed in Office of Secretary of State June 15, 1995.

## CHAPTER 9

[Engrossed Substitute House Bill 1440]

### NONPROFIT BLOOD BANKS—TAX EXEMPTION

AN ACT Relating to tax exemptions for nonprofit blood banks; amending RCW 84.36.035 and 84.36.805; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 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.** RCW 84.36.035 and 1971 ex.s. c 206 s 1 are each amended to read as follows:

The following property shall be exempt from taxation:

All property, whether real or personal, belonging to or leased by any nonprofit corporation or association and used exclusively in the business of ~~((procuring, processing, storing, distributing, or using whole blood, plasma, blood products, and blood derivatives))~~ a blood, bone, or tissue bank as defined in section 3 of this act, or in the administration of such business. If the real or personal property is leased, the benefit of the exemption shall inure to the nonprofit corporation or association.

**Sec. 2.** RCW 84.36.805 and 1993 c 79 s 3 are each amended to read as follows:

In order to be exempt pursuant to RCW 84.36.030, 84.36.550, 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 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 84.36.035, 84.36.040, 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.

NEW SECTION. Sec. 3. A new section is added to chapter 82.04 RCW to read as follows:

(1) As used in this section:

(a) "Blood" includes human whole blood, plasma, blood derivatives, and related products.

(b) "Bone" includes human bone, bone marrow, and related products.

(c) "Tissue" includes human musculoskeletal tissue, musculoskeletal tissue derivatives, and related products.

(d) "Blood, bone, or tissue bank" means an organization exempt from federal income tax under section 501(c)(3) of the federal internal revenue code, organized solely for the purpose of performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

(e) "Medical supplies" means any item of tangible personal property, including any repair and replacement parts for such tangible personal property, used by a blood, tissue, or bone bank for the purpose of performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue. The term includes tangible personal property used to:

- (i) Provide preparatory treatment of blood, bone, or tissue;
- (ii) Control, guide, measure, tune, verify, align, regulate, test, or physically support blood, bone, or tissue; and
- (iii) Protect the health and safety of employees or others present during research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

(f) "Chemical" means any catalyst, solvent, water, acid, oil, or other additive that physically or chemically interacts with blood, bone, or tissue.

(g) "Materials" means any item of tangible personal property, including, but not limited to, bags, packs, collecting sets, filtering materials, testing reagents, antisera, and refrigerants used or consumed in performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

(h) "Research" means basic and applied research that has as its objective the design, development, refinement, testing, marketing, or commercialization of a product, service, or process.

(2) This chapter does not apply to amounts received by blood, bone, or tissue banks, to the extent the amounts are exempt from federal income tax.

**NEW SECTION. Sec. 4.** A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 does not apply to the sale of medical supplies, chemicals, or materials to a blood, bone, or tissue bank. The definitions in section 3 of this act apply to this section. The exemption in this section does not apply to the sale of construction materials, office equipment, building equipment, administrative supplies, or vehicles.

**NEW SECTION. Sec. 5.** A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter do not apply in respect to the use of medical supplies, chemicals, or materials by a blood, bone, or tissue bank. The definitions in section 3 of this act apply to this section. The exemption in this section does not apply to the use of construction materials, office equipment, building equipment, administrative supplies, or vehicles.

**NEW SECTION. Sec. 6.** Sections 1 and 2 of this act are effective for taxes levied for collection in 1996 and thereafter.

**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 July 1, 1995.

Passed the House May 24, 1995.

Passed the Senate May 25, 1995.

Approved by the Governor June 15, 1995.

Filed in Office of Secretary of State June 15, 1995.

**CHAPTER 10**

[House Bill 2110]

**JUVENILE DETENTION FACILITIES AND JAILS—ADDITIONAL  
SALES TAX AUTHORIZED**

AN ACT Relating to the imposition of taxes by counties for juvenile detention facilities and jails; and adding a new section to chapter 82.14 RCW.

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

**NEW SECTION.** Sec. 1. A new section is added to chapter 82.14 RCW to read as follows:

(1) A county legislative authority in a county with a population of less than one million may submit an authorizing proposition to the county voters, and if the proposition is approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter for the purposes designated in subsection (3) of this section.

(2) 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 under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the 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.

(3) Moneys received from any tax imposed under this section shall be used solely for the purpose of providing funds for costs associated with financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, reequipping, and improvement of juvenile detention facilities and jails.

(4) Counties are authorized to develop joint ventures to colocate juvenile detention facilities and to colocate jails.

Passed the House May 24, 1995.

Passed the Senate May 24, 1995.

Approved by the Governor June 15, 1995.

Filed in Office of Secretary of State June 15, 1995.

**CHAPTER 11**

[Engrossed Substitute Senate Bill 5739]

**SALES BY NONPROFIT ORGANIZATIONS—TAXATION OF  
BAZAARS AND RUMMAGE SALES**

AN ACT Relating to sales by nonprofit organizations; amending RCW 82.04.365; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

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

**Sec. 1.** RCW 82.04.365 and 1979 ex.s. c 196 s 7 are each amended to read as follows:

(1) This chapter does not apply to ~~((amounts derived))~~ the first twenty thousand dollars received in a calendar year by a nonprofit organization as a result of conducting or participating in a bazaar or rummage sale if:

(a) The organization does not conduct or participate in more than two bazaars or rummage sales per year; and

(b) Each bazaar or rummage sale does not extend over a period of more than two days~~((+ and~~

~~((c) The gross income received by each organization from each bazaar or rummage sale does not exceed one thousand dollars)).~~

(2) For purposes of this section, "nonprofit organization" means an organization that meets all of the following criteria:

(a) The members, stockholders, officers, directors, or trustees of the organization do not receive any part of the organization's gross income, except as payment for services rendered;

(b) The compensation received by any person for services rendered to the organization does not exceed an amount reasonable under the circumstances; and

(c) The activities of the organization do not include a substantial amount of political activity, including but not limited to influencing legislation and participation in any campaign on behalf of any candidate for political office.

NEW SECTION. Sec. 2. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 does not apply to sales made by a nonprofit organization if the gross income from the sales is exempt under RCW 82.04.365.

NEW SECTION. Sec. 3. A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to nonprofit organizations in respect to amounts derived from the provision of child care resource and referral services.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

Passed the Senate May 24, 1995.

Passed the House May 24, 1995.

Approved by the Governor June 15, 1995.

Filed in Office of Secretary of State June 15, 1995.

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## CHAPTER 12

[Engrossed Substitute House Bill 1769]

INSURANCE AGENTS, BROKERS, AND SOLICITORS—BUSINESS AND  
OCCUPATION TAX REDUCTION

AN ACT Relating to taxation of insurance agents, brokers, and solicitors; amending RCW 82.04.260; providing an effective date; and declaring an emergency.

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

**Sec. 1.** RCW 82.04.260 and 1993 sp.s. c 25 s 104 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.011 percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, barley into pearl barley, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, or oil manufactured, multiplied by the rate of 0.138 percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.275 percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of 0.33 percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of 0.275 percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of 0.275 percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.363 percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of 0.363 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of ~~((+))~~ 0.55 percent.

(15) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

Passed the House May 24, 1995.

Passed the Senate May 24, 1995.

Approved by the Governor June 16, 1995.

Filed in Office of Secretary of State June 15, 1995.

## CHAPTER 13

[Second Engrossed Substitute Senate Bill 5000]

### PROPERTY TAX REDUCTIONS

AN ACT Relating to property tax reductions; amending RCW 84.48.080 and 84.52.010; adding a new section to chapter 84.55 RCW; and creating a new section.

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

NEW SECTION. **Sec. 1.** With property valuations continuing to increase, property taxes have been steadily increasing. At the same time, personal incomes have not continued to rise at the same rate. Property taxes are becoming increasingly more difficult to pay. Many residential property owners complain about the overall level of taxes and about the continuing increase in tax from year to year. Taxpayers want property tax relief. The legislature intends to establish an on-going program of state property tax reductions the amount of

which is to be determined by the legislature on a yearly basis based on the level of general fund tax revenues.

**NEW SECTION.** Sec. 2. A new section is added to chapter 84.55 RCW to read as follows:

(1) The state property tax levy for collection in 1996 shall be reduced by 4.7187 percent of the levy amount that would otherwise be allowed under this chapter without regard to this section or any other tax reduction legislation enacted in 1995.

(2) The tax reduction provided in this section is in addition to any other tax reduction legislation that may be enacted by the legislature.

(3) State levies for collection after 1996 shall be set at the amount that would be allowed otherwise under this chapter if the state levy for collection in 1996 had been set without the reduction under subsection (1) of this section.

Sec. 3. RCW 84.48.080 and 1994 c 301 s 43 are each amended to read as follows:

(1) 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. For purposes of this section, for each county that has not provided the department with an assessment return by December 1st, the department shall proceed, using facts and information and in a manner it deems appropriate, to estimate the value of each class of property in the county.

Second. The department shall keep a full record of its proceedings and the same shall be published annually by the department.

(2) The department shall levy the state taxes authorized by law(~~and~~ ~~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, any assessment return provided by a county to the department subsequent to December 1st, or a change in the indicated ratio of a county. Errors in taxable values mean errors corrected by a final reviewing body.

In addition to computing a levy under this subsection that is reduced under section 2 of this act, the department shall compute a hypothetical levy without regard to the reduction under section 2 of this act. This hypothetical levy shall also be apportioned among the several counties in proportion to the valuation of the taxable property of the county for the year, as equalized by the department, in the same manner as the actual levy and shall be used by the county assessors for the purpose of recomputing and establishing a consolidated levy under RCW 84.52.010.

(3) 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.

(4) After the completion of the duties (~~hereinabove~~) prescribed in this section, 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. 4.** RCW 84.52.010 and 1995 c 99 s 2 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; 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. If, as a result of the levies imposed under RCW 84.52.069, 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.— (section 1, chapter 99, Laws of 1995), and 84.52.105, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows: (a) The portion of the levy by a metropolitan park district that is protected under RCW 84.52.— (section 1, chapter 99, Laws of 1995) shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; (b) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and (c) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(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, 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 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.

In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction under section 2 of this act.

Passed the Senate May 25, 1995.

Passed the House May 25, 1995.

Approved by the Governor June 16, 1995.

Filed in Office of Secretary of State June 15, 1995.

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## CHAPTER 14

[Second Engrossed Substitute House Bill 2080]

### TRANSPORTATION BUDGET, 1995-1997

AN ACT Relating to transportation funding and appropriations; amending RCW 43.105.017, 43.105.041, 43.19.1919, 43.211.005, 43.211.010, 43.211.030, 43.211.040, 88.46.922, 88.46.925, 90.56.510, 47.78.010, 82.44.150, 70.94.531, 47.78.010, 81.104.140, 82.44.150, 81.104.015, 81.104.030, 81.104.040, 81.104.050, 81.104.120, 81.104.140, 81.104.150, 81.104.170, 81.104.180, 81.104.190, 35.58.2795, 47.26.121, 47.80.060, and 81.112.030; amending 1991 c 200 s 1120 (uncodified); 1993 c 281 s 73 (uncodified); 1994 c 303 s 20 (uncodified); reenacting and amending RCW 82.44.180 and 81.104.160; adding a new section to chapter 90.56 RCW; adding new sections to chapter 43.21A RCW; adding a new section to chapter 81.104 RCW; adding a new section to chapter 47.60 RCW; creating new sections; recodifying RCW 43.211.005, 43.211.010, 43.211.030, and 43.211.040; repealing RCW 43.211.020, 88.46.920, 88.46.923, 81.112.010, 81.112.020, 81.112.030, 81.112.040, 81.112.050, 81.112.060, 81.112.070, 81.112.080, 81.112.090, 81.112.100, 81.112.110, 81.112.120, 81.112.130, 81.112.140, 81.112.150, 81.112.160, 81.112.170, 81.112.900, 81.112.901, and 81.112.902; making appropriations; providing expiration dates; providing a contingent effective date; providing effective dates; and declaring an emergency.

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

**TRANSPORTATION APPROPRIATIONS**

NEW SECTION. **Sec. 1.** The legislature finds and declares that it is essential to maintain an efficient and effective transportation system. The legislature finds that certain agency practices need to be reexamined and specific policies put in place in order to ensure cost-effective program delivery. All planning, training, engineering, and related activities should be aimed at achieving delivery of projects and services. Staffing levels and equipment purchases should be commensurate with the workload assumed in this budget.

\*NEW SECTION. **Sec. 2.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1997.

(2) *Legislation with fiscal impacts enacted in the 1995 legislative session not assumed in this act are not funded in the 1995-97 transportation budget.*

(3) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 1996" or "FY 1996" means the fiscal year ending June 30, 1996.

(b) "Fiscal year 1997" or "FY 1997" means the fiscal year ending June 30, 1997.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

\*Sec. 2 was partially vetoed. See message at end of chapter.

**PART I**

**GENERAL GOVERNMENT AGENCIES—OPERATING**

NEW SECTION. **Sec. 101. FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Fund—State Appropriation . . . . . \$ 300,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The department of agriculture shall report to the legislative transportation committee by January 1, 1996, and January 1, 1997, on the number of fuel samples tested and the findings of the tests for the motor fuel quality program.

NEW SECTION. **Sec. 102. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**



Motor Vehicle Fund—State Appropriation . . . . . \$ 40,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The joint legislative systems committee shall enter into a service level agreement with the legislative transportation committee by September 30, 1995.

**NEW SECTION. Sec. 103. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM**

Motor Vehicle Fund—State Appropriation . . . . . \$ 205,000

The appropriation in this section is for fiscal year 1996 and is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The legislative evaluation and accountability program committee shall enter into a service level agreement with the legislative transportation committee by September 30, 1995.

**NEW SECTION. Sec. 104. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Fund—State Appropriation . . . . . \$ 110,000

**\*NEW SECTION. Sec. 105. FOR THE OFFICE OF MARINE SAFETY**

State Toxics Control Account—State		
Appropriation . . . . .	\$	70,000
Oil Spill Administration Account—State		
Appropriation . . . . .	\$	1,008,000
TOTAL APPROPRIATION . . . . .	\$	1,078,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section are for six months only pursuant to sections 514 through 524 of this act, which transfer the responsibilities of the office of marine safety to the department of ecology on January 1, 1996.

(2) *The legislative transportation committee shall convene a task force comprised of representatives from the office of financial management, the department of ecology, the department of revenue, and other affected parties to: (a) Identify cost savings and efficiencies associated with the transfer of the office of marine safety to the department of ecology; (b) examine provisions pertaining to the oil spill accounts; (c) develop new strategies for handling oil spill administration account funding shortfalls in lieu of allowing transfers from the oil spill response account; and (d) evaluate ongoing oil spill planning and prevention needs. The findings and recommendations of the task force shall be used in the development of the 1996 supplemental budget, and accompanying policy legislation.*

(3) \$170,000 of the oil spill administration account appropriation is provided solely for a contract with the University of Washington’s SeaGrant program in

order to develop an educational program that targets small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas. This funding is available for the implementation of the Puget Sound water quality management plan by the University of Washington.

\*Sec. 105 was partially vetoed. See message at end of chapter.

**\*NEW SECTION. Sec. 106. FOR THE GOVERNOR—FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND**

Motor Vehicle Fund—State Appropriation . . . . .	\$	2,808,000
Marine Operating Fund—State Appropriation . . . . .	\$	1,157,000
TOTAL APPROPRIATION . . . . .	\$	3,965,000

*The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The amount of the transfers from the motor vehicle fund and the marine operating fund are to be transferred into the tort claims revolving fund only as claims have been settled or adjudicated to final conclusion and are ready for payout. The appropriation contained in this section is to retire tort obligations that occurred before July 1, 1990.*

\*Sec. 106 was partially vetoed. See message at end of chapter.

**\*NEW SECTION. Sec. 107. FOR THE STATE PARKS AND RECREATION COMMISSION—OPERATING**

Motor Vehicle Fund—State Appropriation . . . . .	\$	927,000
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*The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The commission shall not expend any state funds for maintenance, repair, or snow and ice removal on county or private roads.*

\*Sec. 107 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 108. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Fund—State Appropriation . . . . .	\$	222,000
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**NEW SECTION. Sec. 109. FOR THE OFFICE OF THE STATE TREASURER**

State Treasurer’s Service Fund—State Appropriation . . . . .	\$	44,000
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**NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Motor Vehicle Fund—State Appropriation . . . . .	\$	251,000
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The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The entire

appropriation is for the contracted staff at the Gateway Visitor Information Centers, and shall not be used for any other purpose.

**PART II  
TRANSPORTATION AGENCIES**

**NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Fund—State Appropriation . . . . .	\$	428,000
Highway Safety Fund—Federal Appropriation . . . . .	\$	5,160,000
Transportation Fund—State Appropriation . . . . .	\$	1,100,000
TOTAL APPROPRIATION . . . . .	\$	6,688,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: Up to \$200,000 of the transportation fund—state appropriation shall be used by the commission to identify and implement programs to reduce the incidence of driving under the influence of controlled substances. The commission shall submit a progress report to the legislative transportation committee by December 31, 1995. The remaining transportation fund—state appropriation shall be used solely to fund community DUI task forces. Funding from the transportation fund for any community DUI task force may not exceed fifty percent of total expenditures in support of that task force.

**NEW SECTION. Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account—State Appropriation . . . . .	\$	260,000
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**NEW SECTION. Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Motor Vehicle Fund—Rural Arterial Trust		
Account—State Appropriation . . . . .	\$	37,553,000
Motor Vehicle Fund—State Appropriation . . . . .	\$	1,340,000
Motor Vehicle Fund—Private/Local Appropriation . . . . .	\$	508,000
Motor Vehicle Fund—County Arterial Preservation		
Account —State Appropriation . . . . .	\$	26,023,000
TOTAL APPROPRIATION . . . . .	\$	65,424,000

**NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Motor Vehicle Fund—Urban Arterial Trust		
Account—State Appropriation . . . . .	\$	38,997,000
Motor Vehicle Fund—Transportation Improvement		
Account—State Appropriation . . . . .	\$	143,061,000
Motor Vehicle Fund—City Hardship Assistance		
Account—State Appropriation . . . . .	\$	1,904,000
Motor Vehicle Fund—Small City Account—		

State Appropriation . . . . .	\$	5,702,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>189,664,000</b>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The transportation improvement account—state appropriation includes \$50,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. However, the transportation improvement board may authorize the use of current revenues available in lieu of bond proceeds.

**NEW SECTION. Sec. 205. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**

Motor Vehicle Fund—State Appropriation . . . . .	\$	2,528,000
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The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The legislative transportation committee shall convene representatives from the department of transportation, Washington state patrol, department of licensing, and any other agency receiving an appropriation in this act, as necessary, to establish performance measures that are associated with the final legislative appropriation. The performance measures are to be established and will be tracked within the transportation executive information system.

(2) The legislative transportation committee shall convene one or more groups to address activities that result in the loss of transportation tax revenue. The groups shall present their findings to the legislative transportation committee and the office of financial management.

(3) The legislative transportation committee shall study the governance and operations of the ports.

**NEW SECTION. Sec. 206. FOR THE MARINE EMPLOYEES COMMISSION**

Motor Vehicle Fund—Puget Sound Ferry Operations		
Account—State Appropriation . . . . .	\$	345,000

**\*NEW SECTION. Sec. 207. FOR THE TRANSPORTATION COMMISSION**

Transportation Fund—State Appropriation . . . . .	\$	677,000
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The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

*(1) For the fiscal year 1996, the commission shall not be compensated for workdays in excess of 504 (an average of seven workdays per commissioner, per month), except the chair who shall not be compensated for workdays in excess of 114 (an average of nine and one-half workdays per month).*

*(2) For the fiscal year 1997, up to \$45,000 is provided as compensation for commissioner work days. By December 15, 1995 the commission shall report*

*back to the legislative transportation committee on the number of commissioner workdays expended and the adequacy of the fiscal year 1997 appropriation.*

*(3) None of the appropriation may be used to conduct studies or hire consultants without specific authorization from the legislative transportation committee prior to commencing any studies or hiring any consultants.*

*(4) In no event shall the commission hold meetings outside of the state of Washington. The commission is directed to seek methods of reducing travel and meeting costs.*

\*Sec. 207 was partially vetoed. See message at end of chapter.

**\*NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL—FIELD OPERATIONS**

Motor Vehicle Fund—State Patrol Highway		
Account—State Appropriation . . . . .	\$	140,251,000
Motor Vehicle Fund—State Patrol Highway		
Account—Federal Appropriation . . . . .	\$	3,196,000
Motor Vehicle Fund—State Appropriation . . . . .	\$	747,000
Marine Operating Fund—State Appropriation . . . . .	\$	927,000
TOTAL APPROPRIATION . . . . .	\$	145,121,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The state patrol shall have a staffing level of not less than 735 commissioned officers at the end of the 1995-97 biennium. This compares to a level of 700 commissioned officers that was established in the 1993-95 biennium. To achieve these levels: A class of not less than 30 cadets shall begin in July of 1995 and a class of not less than 40 cadets shall begin in January of 1996.

(2) Management levels, lieutenants and above, are redirected to perform direct traffic law enforcement activities equivalent to five field force FTE staff years. Management personnel engaged in management activity shall not exceed 55 FTE staff years. This level compares to 76 FTE management level staff years in January of 1993.

(3) Any user of Washington state patrol aircraft shall reimburse the Washington state patrol for its pro rata share of all operating and maintenance costs including capitalization.

*(4) The state patrol may not sell or purchase any aircraft until the legislative transportation committee has completed a review of the type of air services provided by the various state agencies, and the feasibility of consolidating the state's air fleet.*

(5) By January 1, 1996, the chief of the state patrol shall submit to the legislative transportation committee a plan to incorporate safety education officer functions into field force activities. In development of the plan, the chief may consult with various constituent groups including the Washington traffic safety commission, schools, businesses, and local traffic entities. Up to \$200,000 of the

motor vehicle fund—state patrol highway account—state appropriation provided for in this section may be used for these purposes.

(6) The \$747,000 motor vehicle fund—state appropriation in this section is provided for the following traditional general fund purposes: The Governor’s air travel, the license fraud program, and the special services unit. This motor vehicle fund—state appropriation shall not be recognized as a permanent funding source for these purposes, but rather as a temporary funding source subject to renewed evaluation during the 1997 legislative session.

\*Sec. 208 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL—INVESTIGATIVE SERVICES BUREAU**

Motor Vehicle Fund—State Appropriation . . . . .	\$	4,509,000
Transportation Fund—State Appropriation . . . . .	\$	1,642,000
TOTAL APPROPRIATION . . . . .	\$	6,151,000

The appropriations provided for in this section are for the following traditional general fund purposes: Crime laboratories, used primarily for local law enforcement purposes; ACCESS, the computer system linking all law enforcement and criminal justice agencies in the state to one another; and, the identification section, which is responsible for performing criminal background checks. The motor vehicle fund—state appropriation and the transportation fund—state appropriation provided in this section shall not be recognized as permanent funding sources for these purposes, but rather as temporary funding sources subject to renewed evaluation during the 1997 legislative session.

**NEW SECTION. Sec. 210. FOR THE WASHINGTON STATE PATROL—SUPPORT SERVICES BUREAU**

Motor Vehicle Fund—State Patrol Highway		
Account—State Appropriation . . . . .	\$	53,229,000
Motor Vehicle Fund—State Appropriation . . . . .	\$	1,491,000
Transportation Fund—State Appropriation . . . . .	\$	2,636,000
TOTAL APPROPRIATION . . . . .	\$	57,356,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The office of the chief of the state patrol shall prepare a strategic plan that represents the future of the Washington state patrol and how management envisions meeting the challenges identified in the plan. The plan shall address the future responsibilities of commissioned and non-commissioned personnel, and the use of technology in law enforcement. It will focus on maximizing joint services and projects with other transportation agencies such as communication systems, computer systems, and facilities. Additionally, the state patrol shall include any other issues it deems necessary and will provide a six-year financial plan to address the future challenges identified in the strategic plan. The plan

outline shall be delivered to the legislative transportation committee by August 1, 1995, and the final plan delivered to the legislature by January 1, 1996.

(2) \$1,241,000 of the motor vehicle fund—state appropriation and \$2,363,000 of the transportation fund—state appropriation provided for in this section are for the following traditional general fund purposes: The executive protection unit, revolving fund charges, budget and fiscal services, computer services, personnel, human resources, administrative services, and property management. These appropriations shall not be recognized as permanent funding sources for these purposes, but rather as temporary funding sources subject to renewed evaluation during the 1997 legislative session.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF LICENSING—MANAGEMENT AND SUPPORT SERVICES**

Highway Safety Fund—Motorcycle Safety Education

Account—State Appropriation . . . . .	\$	78,000
State Wildlife Account—State Appropriation . . . . .	\$	69,000
Highway Safety Fund—State Appropriation . . . . .	\$	5,090,000
Motor Vehicle Fund—State Appropriation . . . . .	\$	4,338,000
Transportation Fund—State Appropriation . . . . .	\$	791,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>10,366,000</b>

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING—INFORMATION SYSTEMS**

General Fund—Wildlife Account—State

Appropriation . . . . .	\$	118,000
Highway Safety Fund—State Appropriation . . . . .	\$	7,820,000
Motor Vehicle Fund—State Appropriation . . . . .	\$	12,871,000
Transportation Fund—State Appropriation . . . . .	\$	1,302,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>22,111,000</b>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$15,223,000 for the licensing application migration project (LAMP), of which \$9,134,000 is motor vehicle account—state, \$6,089,000 is highway safety fund—state.

Of the \$15,223,000 LAMP appropriation \$761,150 is provided solely as a contingency amount.

(2) The licensing application migration project (LAMP) shall comply with section 49, chapter 23, Laws of 1993 ex. sess.

(3) The steering committee specified in the licensing application migration project (LAMP) feasibility study, dated July 7, 1992, shall meet monthly. In addition to the existing steering committee membership established in the feasibility study, the LAMP project director, the LAMP contractor’s project manager, the LAMP quality assurance consultant, and a representative of the

Washington state patrol shall be ex officio members of the LAMP steering committee.

(4) The licensing application migration project (LAMP) quality assurance consultant shall provide the LAMP steering committee with bimonthly reports on the status of the LAMP project. The bimonthly reports shall be on alternate months from the bimonthly reports provided by the department of information services. The reports required in this subsection shall also be delivered to the senate and house of representatives transportation committee chairs.

(5) No moneys are provided in this act for the inclusion of general fund activities in the LAMP project.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING—VEHICLE SERVICES**

General Fund—Marine Fuel Tax Refund Account—	
State Appropriation . . . . .	\$ 26,000
General Fund—Wildlife Account—State	
Appropriation . . . . .	\$ 534,000
Motor Vehicle Fund—State Appropriation . . . . .	\$ 46,554,000
Department of Licensing Services Account—	
State Appropriation . . . . .	\$ 2,944,000
TOTAL APPROPRIATION . . . . .	\$ 50,058,000

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING—DRIVER SERVICES**

Highway Safety Fund—Motorcycle Safety Education	
Account—State Appropriation . . . . .	\$ 1,150,000
Highway Safety Fund—State Appropriation . . . . .	\$ 56,759,000
Transportation Fund—State Appropriation . . . . .	\$ 4,914,000
TOTAL APPROPRIATION . . . . .	\$ 62,823,000

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MANAGEMENT AND FACILITIES—PROGRAM D—OPERATING**

Motor Vehicle Fund—State Appropriation . . . . .	\$ 24,194,000
Motor Vehicle Fund—Federal Appropriation . . . . .	\$ 400,000
Motor Vehicle Fund—Transportation Capital	
Facilities Account—State Appropriation . . . . .	\$ 21,974,000
TOTAL APPROPRIATION . . . . .	\$ 46,568,000

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F**

Transportation Fund—Aeronautics Account—State	
Appropriation . . . . .	\$ 3,780,000
Transportation Fund—Aeronautics Account—Federal	
Appropriation . . . . .	\$ 500,000



Aircraft Search and Rescue, Safety, and Education

Account—State Appropriation . . . . .	\$	132,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>4,412,000</b>

**\*NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I**

Motor Vehicle Fund—Economic Development Account—

State Appropriation . . . . .	\$	2,000,000
Motor Vehicle Fund—State Appropriation . . . . .	\$	235,055,000
Motor Vehicle Fund—Federal Appropriation . . . . .	\$	296,774,000
Motor Vehicle Fund—Private/Local Appropriation . . . . .	\$	47,750,000

*High Capacity Transportation Account—State*

<i>Appropriation . . . . .</i>	<i>\$</i>	<i>7,812,000</i>
Special Category C Account—State Appropriation . . . . .	\$	177,600,000
Special Category C Account—Local Appropriation . . . . .	\$	50,000

Transportation Fund—State Appropriation . . . . .	\$	60,000,000
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*Central Puget Sound Public Transportation Account—*

<i>State Appropriation . . . . .</i>	<i>\$</i>	<i>2,500,000</i>
Puyallup Tribal Settlement Account—State Appropriation . . . . .	\$	21,000,000
Puyallup Tribal Settlement Account—Federal Appropriation . . . . .	\$	1,000,000
Puyallup Tribal Settlement Account—Private/Local Appropriation . . . . .	\$	2,300,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>853,841,000</b>

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$32,204,000 of the motor vehicle fund—federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund—state appropriation includes \$7,525,000 in proceeds from the sale of bonds authorized in RCW 47.10.819(1) for the federal match requirements. However, 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. No bond proceeds shall be used to pay for a federal demonstration study project.

(2) The special category C account—state appropriation of \$177,600,000 includes \$160,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812 through 47.10.817. The appropriation includes \$75,746,000 for the 1st

avenue south bridge in Seattle, \$15,254,000 for North-South Corridor/Division street improvements in Spokane, and \$86,600,000 for selected sections of state route 18. However, the transportation commission may revise the allocation of the appropriation for these projects with the concurrence of the legislative transportation committee. 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 motor vehicle fund—state appropriation includes \$8,710,000 in proceeds from the sale of bonds authorized by RCW 47.10.761 and 47.10.762. These funds shall be expended for the following projects:

- (a) Sea Tac International Blvd;
- (b) SR 99 to SR 5 - HOV Lanes;
- (c) SR 3 to Bremerton Ferry Terminal;
- (d) Leavenworth Intermodal Improvement;
- (e) Olympic Interchange;
- (f) Sunset Dr. I/C - I/C Modifications;
- (g) 94th Ave. E. Interchange;
- (h) 164th Ave. Interchange; and
- (i) NE 160th I/C Modifications (CN only).

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(4) \$44,685,000 appropriated in this section, which includes: \$3,212,000 of the motor vehicle fund—state appropriation; \$39,886,000 of the transportation fund—state appropriation; \$1,328,000 of the motor vehicle fund—local appropriation; and \$259,000 of the economic development account—state appropriation, is to be expended on the following projects:

- (a) Spring St. to Johnson Rd;
- (b) W. Lk. Samm. Pkwy. to SR 202;
- (c) Diamond Lake Channelization;
- (d) 15th SW to SR 161 U-Xing;
- (e) Andresen Road to SR 503;
- (f) NE 144th St. to Battleground;
- (g) Steamboat Island Rd I/C;
- (h) Graham Hill Vicinity;
- (i) North of Winslow - Stage 1;
- (j) SR 5 to Blandford Drive;
- (k) North Sumner Interchange; and
- (l) Sunnyslope I/C - Stage 2.

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(5) \$69,111,000 appropriated in this section, which includes: \$35,060,000 of the motor vehicle fund—state appropriation; \$18,948,000 of the transportation fund—state appropriation; and \$15,103,000 of the motor vehicle fund—federal appropriation, is to be expended on the following projects:

- (a) SO 360th St/Milton Rd SO to SR 18 - Stage 1;
- (b) SR 522 to 228th St. SE - Stage 1;
- (c) 104th Ave NE to 124th Ave NE I/C;
- (d) 124th NE I/C to W. Lake Samm. Pkwy.;
- (e) Lewis Street Interchange;
- (f) SR 202 Interchange;
- (g) SR 82 to Selah;
- (h) O'Brien to Lewis Rd;
- (i) NE 147th to 80th NE - HOV Lanes;
- (j) Old Cascade Hwy - to Deception CR - Stage 1;
- (k) Prophets point to Old Cascade Hwy - Stage 2; and
- (l) Sequim Bypass.

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(6) The motor vehicle fund—state appropriation in this section includes \$47,072,000 for the following high occupancy vehicle lane projects:

- (a) 15th St SW to 84th Ave. SO - Stage 2; and
- (b) Pierce C.L. to Tukwila I/C - Stage I.

Construction of the projects under this subsection is subject to the availability of revenue from the repeal of the gasohol exemption and credit.

(7) When the projects identified in subsections (4) through (6) of this section are complete, the legislature will have fulfilled the commitments made in 1990 associated with the passage of the 1990 transportation revenue package.

(8) The motor vehicle fund appropriation in this section includes \$17,800,000 for new preconstruction activities. Up to \$2,100,000 of the appropriation in this subsection is to be expended for preconstruction activities on the following project: 196th Street SW/SR 524 I/C.

(9) The department shall report annually to the legislative transportation committee on the status of the projects funded by the special category C appropriations contained in this section. The report shall be submitted by January 1 of each year.

(10) If chapter . . . (Substitute House Bill No. 1597), Laws of 1995 is enacted by the 1995 legislature, the department of transportation shall assess the impacts of the bill upon the department of transportation and provide a report on such impacts to the legislative transportation committee by January 1, 1997.

(11) The legislature needs to determine all possible causes for changes in a project's cost from the time the cost is identified in the transportation commission's budget recommendation provided to the governor and legislature in support of the proposed highway construction budget, through completion of project construction.

The department shall provide a historical data report showing changes throughout the life of selected projects. The historical data report shall quantify the reasons for project increases or decreases and include department of transportation actions taken to minimize such changes. The department is

directed to assess whether construction cost efficiencies can be achieved by ensuring continuity between design efforts and construction administrative activities.

The department shall explicitly identify in its agency budget submittal any project for which funding is being requested as part of two or more budget items or programs. For each such project, the department shall identify the relevant budget items, the programs in which the budget items are contained, the amount being requested for the project in each budget item, and the total amount being requested for the project.

(12) The motor vehicle fund—state appropriation in this section includes \$2,700,000 solely for state match for the Blaine border crossing project to be used only if federal demonstration project funding is authorized for this project.

(13) The motor vehicle fund—state appropriation in this section includes \$600,000 solely for a rest area and information facility in the Nisqually gateway area to Mt. Rainier, provided that at least forty percent of the total project costs are provided from federal, local, or private sources. The contributions from the nonstate sources may be in the form of in-kind contributions including, but not limited to, donations of property and services.

(14) The economic development account—state appropriation in this section includes \$1,000,000 for state highway projects associated with the development of a horse racetrack in western Washington. With the funding of these projects, funding from the economic development account for state highway projects is fully obligated. The community economic revitalization board and the transportation commission shall not select any new projects pursuant to RCW 43.160.074 and 47.01.280, notwithstanding projects selected to fulfill the provisions of this subsection.

(15) The motor vehicle fund—state appropriation in this section includes \$2,500,000 solely for the department of transportation match for transportation improvement board projects ready for construction in fiscal year 1996.

(16) The motor vehicle fund—state appropriation in this section includes \$6,533,000 solely for additional all-weather highway projects.

***(17) \$15,312,000 appropriated in this section, which includes: The entire high capacity transportation account appropriation; the entire central Puget Sound public transportation account appropriation; and \$4,700,000 of the motor vehicle fund—state appropriation, is for additional high occupancy vehicle projects.***

(18) The motor vehicle fund—state appropriation in this section includes \$4,870,000 to be expended on the following project: SR 82, SR 823 UC to SR 12 UC. This project will complete the Selah project identified in subsection (5) of this section.

(19) \$93,000 of the appropriation in this section, including \$74,000 of the motor vehicle fund—federal appropriation and \$19,000 of the motor vehicle fund—state appropriation, is provided solely for the Aurora avenue bicycle/pedestrian overpass at Galer Street. The motor vehicle fund—federal appropria-

tion in this subsection is to be provided from transportation enhancement moneys.

(20) The motor vehicle fund—state appropriation in this section includes \$3,300,000 for safety work associated with additional pavement preservation projects.

(21) The motor vehicle fund—state appropriation in this section includes \$400,000 for additional fish barrier removal projects on state highways.

(22) The motor vehicle fund—state appropriation in this section includes up to \$2,160,000 from the sale of bonds authorized in RCW 47.10.834.

\*Sec. 217 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M**

Motor Vehicle Fund—State Appropriation . . . . .	\$	221,368,000
Motor Vehicle Fund—Federal Appropriation . . . . .	\$	461,000
Motor Vehicle Fund—Private/Local Appropriation . . . . .	\$	3,305,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>225,134,000</b>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters such as fire, flooding, and major slides, supplemental appropriations will be requested to restore funding for ongoing maintenance activities.

(2) If projected snow and ice expenditures exceed the plan of \$40,000,000, the department will continue service delivery as planned within the other major maintenance groups, and will request a supplemental appropriation in the following legislative session to fund the additional snow and ice expenditures.

(3) The department shall provide recommendations to the legislative transportation committee by December 15, 1995, on: (a) The feasibility of developing a maintenance management system; (b) methods for providing a consistent maintenance level of service throughout the state; (c) options for centralized versus decentralized management of the program; (d) improving accountability and oversight of the maintenance program; and (e) improving accountability and oversight of the transportation equipment fund program.

(4) The motor vehicle fund—state appropriation in this section includes \$250,000 solely for augmentation of the adopt-a-highway program, under Engrossed Substitute House Bill No. 1512.

(5) The motor vehicle fund—state appropriation in this section includes \$906,000 for payment of local stormwater assessment fees for fiscal year 1996. Funding for the remainder of the biennium is withheld pending the results of a legislative transportation committee review of local stormwater assessment fees charged to the department of transportation.

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P**

Ch. 14 WASHINGTON LAWS, 1995 2nd Sp. Sess.

Motor Vehicle Fund—State Appropriation . . . . .	\$	95,544,000
Motor Vehicle Fund—Federal Appropriation . . . . .	\$	74,600,000
Motor Vehicle Fund—Private/Local Appropriation . . . . .	\$	8,100,000
Transportation Fund—State Appropriation . . . . .	\$	119,600,000
Transportation Fund—Federal Appropriation . . . . .	\$	143,400,000
Transportation Fund—Private/Local Appropriation . . . . .	\$	3,000,000
TOTAL APPROPRIATION . . . . .	\$	444,244,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund—state appropriation includes \$8,300,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The appropriations in this section include \$10,034,000 for seismic retrofit activities.

(3) The department shall not reduce its commitment to sexual harassment training and diversity training, notwithstanding the reduction in this section for training.

(4) \$36,000,000 of the appropriation in this section, including \$21,000,000 of the transportation fund—state appropriation and \$15,000,000 of the motor vehicle fund—state appropriation, is provided for additional pavement preservation projects.

(5) The appropriations in this section include \$6,879,000 for Washington state's share to replace the deck on the Lewis and Clark bridge. If the Oregon state legislature enacts a public/private partnership program and the Washington state transportation commission, in consultation with the legislative transportation committee, negotiates and enters into an agreement between Washington and Oregon to place the bridge into Oregon's public/private partnership program, up to \$1,000,000 of this amount shall be used for Washington's share of emergency deck repairs to extend the service life of the bridge. The remaining funds may be used as Washington's contribution toward the design of the project pursuant to the agreement between Washington and Oregon. Any additional contributions shall be subject to Washington state legislative appropriations and approvals. The department shall provide a status report on this project to the legislative transportation committee by January 15, 1996.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION SYSTEMS MANAGEMENT—PROGRAM Q**

Motor Vehicle Fund—State Appropriation . . . . .	\$	10,241,000
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The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation contained in this section provides funding for fiscal year 1996 only.

(2) By December 31, 1995, the department shall increase the motorist information sign annual permit fee from ten dollars to fifty dollars, increase the motorist information sign initial application fee from seventy-five dollars to one hundred dollars, and provide recommendations to the legislative transportation committee for making the motorist information sign program and the billboard program fully self-supporting within three years. For the purposes of achieving a self-supporting program, the erection, maintenance, and replacement of backpanels shall not be considered part of the department's program costs.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION—SALES AND SERVICES TO OTHERS—PROGRAM R**

Motor Vehicle Fund—State Appropriation . . . . .	\$	368,000
Motor Vehicle Fund—Federal Appropriation . . . . .	\$	400,000
Motor Vehicle Fund—Private/Local Appropriation . . . . .	\$	2,232,000
TOTAL APPROPRIATION . . . . .	\$	3,000,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) By December 1, 1995, the department of transportation is to provide the legislative transportation committee an analysis and recommended policy modifications, where appropriate, regarding the following regional practices:

- (a) Recovery of full costs for reimbursable services; and
- (b) Consistency of charging for reimbursable services across the department's regions.

(2) It is the intent of the legislature to continue the state's partnership with the federal government, local government, and the private sector in transportation construction and operations in the most cost-effective manner. The program is established to allow the department the ability to provide services on nonappropriated, outside requests through the unanticipated receipt process including both dollar and full-time equivalent staff increases.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S**

Motor Vehicle Fund—Puget Sound Capital Construction		
Account—State Appropriation . . . . .	\$	1,109,000
Motor Vehicle Fund—State Appropriation . . . . .	\$	60,781,000
Motor Vehicle Fund—Puget Sound Ferry Operations		
Account—State Appropriation . . . . .	\$	1,105,000
Transportation Fund—State Appropriation . . . . .	\$	2,002,000
TOTAL APPROPRIATION . . . . .	\$	64,997,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund—state appropriation includes \$8,370,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of projects selected under the public-private transportation initiative program. \$2,160,000 of the bond proceeds are to be deposited in the motor vehicle fund—state to pay back the loan recommended by the transportation commission and the legislative transportation committee.

(2) Any additional FTEs required to support the public-private initiatives in the transportation program established under chapter 47.46 RCW shall be funded from program management and administration fees paid by private entities participating in the program.

(3) The department of transportation shall provide quarterly reports to the legislative transportation committee and the office of financial management on the status of the public-private initiatives in the transportation program. The department shall conduct a program and fiscal review of the public-private initiatives in the transportation program, authorized under chapter 47.46 RCW, for the biennium ending June 30, 1997. Such review shall include, at a minimum, the extent to which the program has operated in the public interest and fulfilled its statutory obligation; the extent to which the program is operating in an efficient, effective, and economical manner; and the extent to which continuation of the program maintains, improves, or adversely impacts the transportation system of the state of Washington. The department shall provide a progress report on its program and fiscal review of the public-private initiatives in transportation program by June 30, 1996.

(4) It is the intent of the legislature that the department reduce the amount of money spent on nonessential training programs for its employees.

(5) One of the two full-time employees funded in this section for enhanced public involvement shall be responsible for improving communications between the department and the public. His or her responsibilities shall include: (a) Developing a more efficient and effective system for replying to inquiries from the public and (b) supporting new and existing programs related to public involvement.

(6) By December 1, 1995, the department of transportation shall implement: (a) Modifications to the construction administration system that promote prudent project management and standards that ensure state-wide consistency of approach among all departmental regions; and (b) modifications to the preconstruction system that streamline processes, reduce the number of internal reviews, and eliminate duplicative documentation.

(7) To assure that maximum resources are available for the construction programs, the finance and administration division shall assess the financial condition of the transportation equipment fund programs and report to the



legislative transportation committee and the office of financial management by December 1, 1995. The evaluation should address lower operating cash balances and reductions in the purchase of highway and computer equipment, and where possible, should identify any surplus equipment to match the downsizing of the department's work force.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSIT RESEARCH AND INTERMODAL PLANNING—PROGRAM T**

Essential Rail Assistance Account—State	
Appropriation . . . . .	\$ 1,036,000
Motor Vehicle Fund—State Appropriation . . . . .	\$ 13,653,000
Motor Vehicle Fund—Federal Appropriation . . . . .	\$ 16,198,000
High Capacity Transportation Account—	
State Appropriation . . . . .	\$ 2,475,000
Essential Rail Banking Account—State	
Appropriation . . . . .	\$ 52,000
Transportation Fund—State Appropriation . . . . .	\$ 37,770,000
Transportation Fund—Federal Appropriation . . . . .	\$ 11,643,000
Transportation Fund—Private/Local	
Appropriation . . . . .	\$ 105,000
Central Puget Sound Public Transportation	
Account—State Appropriation . . . . .	\$ 11,009,000
Public Transportation Systems Account—State	
Appropriation . . . . .	\$ 3,082,000
TOTAL APPROPRIATION . . . . .	\$ 97,023,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$33,845,000 of the transportation fund—state appropriation and \$700,000 of the transportation fund—federal appropriation is provided for intercity rail passenger service including up to \$12,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000, subsidies for operating costs not to exceed \$10,000,000, to maintain service of one state contracted round trip between Seattle and Portland and Seattle and Vancouver, British Columbia, and capital projects necessary to provide Seattle-Vancouver, British Columbia, train operating times of under 4 hours. The lease purchase of the train sets is predicated on the condition that the manufacturer of the trains has the obligation of establishing a corporate office in Washington state. The manufacturer is also obligated to spend a minimum of twenty-five percent of the total purchase price of the train sets on the assembly and manufacture of parts of the train sets in Washington state.

(2) Up to \$2,400,000 of the motor vehicle fund—state appropriation is provided for regional transportation planning organizations, with allocations for

participating counties maintained at the 1993-1995 biennium levels for those counties not having metropolitan planning organizations within their boundaries.

(3) The appropriations from the central Puget Sound public transportation account and the public transportation systems account are transferred to the transportation improvement board should either chapter . . . (Engrossed Substitute House Bill No. 1107), Laws of 1995 or chapter . . . (Substitute Senate Bill No. 5199), Laws of 1995 be enacted, and contain provisions transferring responsibility for administration of these accounts from the department of transportation to the transportation improvement board, except \$1,000,000 of the appropriation from the public transportation systems account shall be utilized for the rural mobility program and be administered by the department of transportation. Priority for grants provided from these accounts shall be given to projects and programs that can be accomplished in the 1995-1997 biennium and that are not primarily intended for the planning of facilities. Prior to July 1, 1996, no applications for grants from the central Puget Sound public transportation account may be accepted from, nor may funds from that account be granted to, the regional transit authority. The public transportation systems account funds provided to the rural mobility program are for the 1995-97 biennium and are not intended for grants which will have ongoing costs to this program.

(4) Up to \$700,000 of the high capacity transportation account—state appropriation is reappropriated for regional transit authority grants. However, this amount shall not exceed the amount of unexpended regional transit authority grants in the 1993-95 biennium.

(5) None of the high capacity transportation account—state appropriation or reappropriation may be used to disseminate information in a manner that attempts to persuade, rather than inform or educate, area residents regarding the adopted system plan. The appropriation and reappropriation also may not be used to lobby or advertise, or distribute free promotional materials.

(6) The department of transportation may not transfer high capacity transportation account—state funds to a regional transportation authority during the 1995-1997 biennium, unless the authority has provided a detailed report to the department of transportation and the house of representatives and senate transportation committees regarding its use of those funds during preceding biennia and how it proposes to spend additional state funds.

(7) The motor vehicle fund—state appropriation includes \$558,000 for the office of urban mobility. This appropriation is for fiscal year 1996 only, pending a legislative transportation committee review of the office of urban mobility's activities in relation to the planning functions of the department's regional offices.

**NEW SECTION. Sec. 224.** An appropriation of \$1,800,000 from the high capacity transportation account—state is made to the department of transportation—transit research and intermodal planning—program T for the regional transit authority.

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U**

**(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT**

Motor Vehicle Fund—State Appropriation . . . . . \$ 4,646,000

**(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR**

Motor Vehicle Fund—State Appropriation . . . . . \$ 832,000

**(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES**

Motor Vehicle Fund—State Appropriation . . . . . \$ 3,374,000

**(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL**

Motor Vehicle Fund—State Appropriation . . . . . \$ 2,240,000

**(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION**

Motor Vehicle Fund—State Appropriation . . . . . \$ 5,049,000

The motor vehicle fund—state appropriation of \$5,049,000 in this subsection is provided for the self-insurance premium and for risk management administrative costs. The department of general administration, the office of financial management, and the department of transportation shall develop funding proposals for: (a) Participation by the department of transportation in the statewide liability self-insurance program in fiscal year 1997, and (b) alternative methods for funding the department of transportation’s tort claim payments, if appropriate. A report shall be made to the legislative transportation committee and the governor no later than October 31, 1995.

**(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION**

Motor Vehicle Fund—Puget Sound Ferry Operations  
Account—State Appropriation . . . . . \$ 2,000,000

**(7) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN’S BUSINESS ENTERPRISES**

Motor Vehicle Fund—State Appropriation . . . . . \$ 508,000

**(8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES**

Motor Vehicle Fund—State Appropriation . . . . . \$ 95,000

**(9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE**

Motor Vehicle Fund—State Appropriation . . . . . \$ 361,000

**(10) FOR ARCHIVES AND RECORDS MANAGEMENT**

Motor Vehicle Fund—State Appropriation . . . . . \$ 230,000

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE CONSTRUCTION—PROGRAM W**

Motor Vehicle Fund—Puget Sound Capital Construction		
Account—State Appropriation . . . . .	\$	244,659,000
Motor Vehicle Fund—Puget Sound Capital Construction		
Account—Federal Appropriation . . . . .	\$	22,172,000
Transportation Fund—Passenger Ferry Account—State		
Appropriation . . . . .	\$	1,250,000
Motor Vehicle Fund—Puget Sound Capital Construction		
Account—Private/Local Appropriation . . . . .	\$	765,000
TOTAL APPROPRIATION . . . . .	\$	268,846,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section are provided to carry out only the projects presented to the legislature (version 3) for the 1995-97 budget. The department shall reconcile the 1993-95 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account—state appropriation includes \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560 and \$155,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for construction of new jumbo ferry vessels in accordance with the requirements of RCW 47.60.770 through 47.60.778. However, 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.

(3) The appropriations contained in this section shall not be expended for the development of park facilities at the Seattle Colman dock ferry terminal.

(4) The Washington state ferries shall acquire an appropriate passenger-only vessel. If permissible under regulations governing the procurement of necessary federal funds, construction and assembly of any passenger-only vessels shall take place within Washington state. If the vessel is procured through the use of state funds, the construction and assembly of any passenger-only vessels shall take place within Washington state.

(5) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X**

Marine Operating Fund—State Appropriation . . . . . \$ 244,187,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$30,297,190 for vessel operating fuel in the 1995-97 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation contained in this section provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1995-97 biennium may not exceed \$159,990,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$305.32 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 costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1995-97 biennium. 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).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1995, and thereafter, as established in the 1995-97 general fund operating budget.

(3) The appropriation in this section includes \$614,000 for the automated ticket vending program. These funds shall be expended only in accordance with the implementation of the automated ticket vending program.

(4) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

**\*NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z**

Motor Vehicle Fund—State Appropriation . . . . . \$ 14,567,000  
Motor Vehicle Fund—Federal Appropriation . . . . . \$ 168,179,000  
Motor Vehicle Fund—Private/Local Appropriation . . . \$ 5,087,000  
Transfer Relief Account—State Appropriation . . . . . \$ 307,000  
TOTAL APPROPRIATION . . . . . \$ 188,140,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$13,100,000 of the motor vehicle fund—federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund—state appropriation includes \$3,275,000 in proceeds from the sale of bonds authorized in RCW 47.10.819(1) for the federal match requirements. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

*(2) \$5,000,000 of the motor vehicle fund—federal appropriation, transportation enhancement moneys, in this section shall be used in the following manner: Up to \$3,700,000 shall be used for the preservation of abandoned freight rail corridors; and \$1,300,000 shall be used for rehabilitation of the King Street Station in the City of Seattle. That portion of the \$3,700,000 for preservation of abandoned freight rail corridors that is not used for that purpose by April 1, 1996, shall be used for the rehabilitation of the King Street Station.*

(3) The motor vehicle fund—state appropriation in this section includes \$1,750,000 solely to fund the state's share of the east marine view drive project. This amount represents a reappropriation of the funding first provided for Everett homeport transportation projects in 1987. With this reappropriation, the legislature has fulfilled its commitment for funding of special transportation projects associated with the Everett homeport.

*(4) Up to \$1,430,000 of the motor vehicle fund—state appropriation contained in this section shall be used for evaluations that mutually benefit cities, counties, and the state department of transportation. The evaluations may include fuel tax evasion, license fraud, access management, regional mobility, and miscellaneous cost/benefit measures, as determined by the legislative transportation committee. Of this amount, up to \$750,000 may be used to develop a regional mobility plan that includes, but is not limited to, highways, paratransit, ridesharing, targeted telecommuting, no-fare transit, and vanpool subsidies on a least cost basis; a high occupancy vehicle lane completion analysis; and recommended statutory changes that would allow the plan to be submitted to a public vote by the regional transit authority.*

(5) \$4,000,000 of the motor vehicle fund—state appropriation in this section is provided solely for infrastructure associated with development of a horse racetrack in western Washington. With this appropriation, the state has fulfilled its commitment to provide funding for infrastructure associated with development of a horse racetrack in western Washington.

\*Sec. 228 was partially vetoed. See message at end of chapter.

**PART III  
CAPITAL**

**NEW SECTION. Sec. 301.** The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

**(1) JOINT PROJECTS**

**(a) FOR THE WASHINGTON STATE PATROL, DEPARTMENT OF LICENSING, AND DEPARTMENT OF TRANSPORTATION—TRANSPORTATION SERVICE CENTER—PARKLAND**

Motor Vehicle Fund—State Patrol Highway Account—	
State Appropriation . . . . .	\$ 486,000
Motor Vehicle Fund—State Appropriation . . . . .	\$ 71,000
Highway Safety Fund—State Appropriation . . . . .	\$ 71,000
TOTAL APPROPRIATION . . . . .	\$ 628,000

**(b) FOR THE WASHINGTON STATE PATROL AND DEPARTMENT OF LICENSING—UNION GAP**

Motor Vehicle Fund—State Patrol Highway Account—	
State Appropriation . . . . .	\$ 789,000

**(c) FOR THE WASHINGTON STATE PATROL AND DEPARTMENT OF TRANSPORTATION—NORTH SPOKANE**

Motor Vehicle Fund—State Patrol Highway Account—	
State Appropriation . . . . .	\$ 215,000

**(d) FOR THE DEPARTMENT OF TRANSPORTATION AND WASHINGTON STATE PATROL—BELLINGHAM**

Motor Vehicle Fund—Transportation Capital	
Facilities Account—State Appropriation . . . . .	\$ 6,480,000
Motor Vehicle Fund—State Patrol Highway Account—	
State Appropriation . . . . .	\$ 1,800,000
TOTAL APPROPRIATION . . . . .	\$ 8,280,000

(2) The agency listed first in the appropriation in subsection (1) of this section is designated as the lead agency responsible for management of the projects and shall receive the entire appropriation.

(3) The state patrol, the department of licensing, and the department of transportation shall coordinate their activities when siting facilities. This coordination shall result in the collocation of driver and vehicle licensing, vehicle inspection service facilities, and other transportation services whenever possible.

The department of licensing, the department of transportation, and the state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to collocate in these joint facilities. All services provided at these transportation service facilities shall be provided at cost to the participating agencies.

(4) The department of licensing may lease develop with option to purchase or lease purchase new customer service centers to be paid for from operating revenues. The Washington state patrol shall provide project management for the department of licensing. Alternatively, a financing contract may be entered into on behalf of the department of licensing in the amounts indicated plus financing expenses and reserves pursuant to chapter 39.94 RCW. The locations and amounts for projects covered under this section are as follows:

- (a) A new customer service center in Vancouver for \$2,629,700;
- (b) A new customer service center in West Spokane for \$3,083,600;
- (c) A new customer service center in Lacey for \$3,152,500;
- (d) A new customer service center in Union Gap for \$3,026,500; and
- (e) A new customer service center in Wenatchee for \$2,078,800.

(5) The Washington state patrol, department of licensing, and department of transportation shall provide bimonthly progress reports on the capital facilities receiving an appropriation in this act.

**NEW SECTION. Sec. 302. FOR THE WASHINGTON STATE PATROL—CAPITAL PROJECTS**

The appropriations in this section are provided for the following projects:

**(1) ACADEMY DRIVE COURSE—SHELTON**

Motor Vehicle Fund—State Patrol Highway Account—		
State Appropriation . . . . .	\$	500,000

**(2) MINOR WORKS: PRESERVATION**

Motor Vehicle Fund—State Patrol Highway Account—		
State Appropriation . . . . .	\$	890,000

**(3) MINOR WORKS: PROGRAM**

Motor Vehicle Fund—State Patrol Highway Account—		
State Appropriation . . . . .	\$	506,000

**(4) SOUTH SEATTLE DETACHMENT**

Motor Vehicle Fund—State Patrol Highway Account—		
State Appropriation . . . . .	\$	151,000

**(5) WASHINGTON STATE PATROL OFFICE—SILVER LAKE REST AREA**

Motor Vehicle Fund—State Patrol Highway Account—		
State Appropriation . . . . .	\$	197,000

**(6) BELLEVUE COMMUNICATIONS CENTER IMPROVEMENT**

Motor Vehicle Fund—State Patrol Highway Account—		
State Appropriation . . . . .	\$	358,000

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL**



All projects in this section are funded from the motor vehicle fund—transportation capital facilities account—state.

**(1) OKANOGAN AREA MAINTENANCE FACILITY**

Motor Vehicle Fund—Transportation Capital  
Facilities Account—State Appropriation . . . . . \$ 2,801,000

**(2) CHEHALIS AREA MAINTENANCE FACILITY**

Motor Vehicle Fund—Transportation Capital  
Facilities Account—State Appropriation . . . . . \$ 4,865,000

**(3) WOODLAND SECTION MAINTENANCE FACILITY**

Motor Vehicle Fund—Transportation Capital  
Facilities Account—State Appropriation . . . . . \$ 1,163,000

**(4) CONNELL SECTION MAINTENANCE FACILITY**

Motor Vehicle Fund—Transportation Capital  
Facilities Account—State Appropriation . . . . . \$ 150,000

**(5) WILBUR SECTION MAINTENANCE FACILITY**

Motor Vehicle Fund—Transportation Capital  
Facilities Account—State Appropriation . . . . . \$ 1,036,000

**(6) MINOR REGIONAL PROJECTS**

Motor Vehicle Fund—Transportation Capital  
Facilities Account—State Appropriation . . . . . \$ 1,525,000

**(7) STATE-WIDE ADMINISTRATION AND SUPPORT**

Motor Vehicle Fund—Transportation Capital  
Facilities Account—State Appropriation . . . . . \$ 1,525,000

(8) The department of transportation shall provide to the legislative transportation committee: (a) Prior notice and the latest project information at least two weeks in advance of the bid process for transportation capital facilities projects going to bid in the 1995-97 biennium, and (b) bimonthly progress reports on all transportation capital facilities projects receiving appropriations in this act.

**GENERAL GOVERNMENT AGENCIES—CAPITAL**

**NEW SECTION. Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION—CAPITAL**

Motor Vehicle Fund—State Appropriation . . . . . \$ 400,000

***\*NEW SECTION. Sec. 305. An appropriation of \$2,500,000 from the motor vehicle fund—state will not be provided to the department of general administration for improvements to the plaza garage renovation project unless the omnibus 1995-97 capital budget (2ESHB 1070) contains a \$1,700,000 appropriation for the repair and/or installation of escalators and elevators***

*during the 1995-97 biennium for the department of transportation service center in Olympia, Washington. The above referenced motor vehicle fund—state appropriation is made upon satisfaction of this condition.*

\*Sec. 305 was vetoed. See message at end of chapter.

**PART IV  
TRANSFERS AND DISTRIBUTIONS**

**NEW SECTION. Sec. 401. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE**

Motor Vehicle Fund—Puget Sound Capital Construction Account	
Appropriation . . . . .	\$ 4,250,000
Motor Vehicle Fund Appropriation . . . . .	\$ 695,000
Transportation Improvement Account	
Appropriation . . . . .	\$ 1,250,000
Transportation Fund Appropriation . . . . .	\$ 208,000
Special Category C Account Appropriation . . . . .	\$ 4,000,000
Highway Bond Retirement Account Appropriation . . . . .	\$ 195,814,000
Ferry Bond Retirement Account Appropriation . . . . .	\$ 36,788,000
TOTAL APPROPRIATION . . . . .	\$ 243,005,000

**NEW SECTION. Sec. 402. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Motor Vehicle Fund—Puget Sound Capital Construction	
Account Appropriation . . . . .	\$ 850,000
Motor Vehicle Fund Appropriation . . . . .	\$ 139,000
Motor Vehicle Fund—Urban Arterial Trust Account	
Appropriation . . . . .	\$ 5,000
Motor Vehicle Fund—Transportation Improvement	
Account Appropriation . . . . .	\$ 250,000
Special Category C Account Appropriation . . . . .	\$ 800,000
Transportation Fund Appropriation . . . . .	\$ 42,000
Transportation Capital Facilities Account	
Appropriation . . . . .	\$ 1,000
TOTAL APPROPRIATION . . . . .	\$ 2,087,000

**NEW SECTION. Sec. 403. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution . . . . .	\$ 452,180,000
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Transportation Fund Appropriation . . . . .	\$	2,352,000
TOTAL APPROPRIATION . . . . .	\$	454,532,000

**NEW SECTION. Sec. 404. FOR THE GOVERNOR—  
COMPENSATION—SALARY AND INSURANCE INCREASE REVOLVING ACCOUNT**

Motor Vehicle Fund—State Patrol Highway Account

Appropriation . . . . .	\$	8,947,000
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The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1)(a) Commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol shall receive a five percent salary increase on July 1, 1995.

(b) Commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol shall receive an additional four percent salary increase on July 1, 1996, if the state patrol vehicle inspection program is decommissioned by September 1, 1995.

(2) The salary increases provided for in subsection (1) of this section supersede any salary increases provided for in Engrossed Substitute House Bill No. 1410, the omnibus budget, for commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol. The appropriation in this section is not in addition to the salary increases provided for in Engrossed Substitute House Bill No. 1410; therefore, the appropriation in this section shall be reduced by any amount provided for commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol in Engrossed Substitute House Bill No. 1410.

**NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS**

Motor Vehicle Fund—State Patrol Highway Account:

For transfer to the department of retirement systems expense fund . . . . .	\$	130,000
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**NEW SECTION. Sec. 406. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

**NEW SECTION. Sec. 407.** The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use

of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

**NEW SECTION. Sec. 408. FOR THE STATE TREASURER—  
TRANSFERS**

(1) R V Account—State Appropriation:	
For transfer to the Motor Vehicle Fund—	
State . . . . .	\$ 454,000
(2) Transfer Relief Account—State Appropriation:	
For transfer to the Motor Vehicle Fund—	
State . . . . .	\$ 1,329,000
(3) Motor Vehicle Fund—State Appropriation:	
For transfer to the Transportation Capital	
Facilities Account—State . . . . .	\$ 41,762,000
(4) Small City Account—State Appropriation:	
For transfer to the Urban Arterial Trust	
Account—State . . . . .	\$ 2,544,000
(5) Small City Account—State Appropriation:	
For transfer to the Transportation Improvement	
Account—State . . . . .	\$ 7,500,000
(6) High Capacity Transportation Account—	
State Appropriation:	
For transfer to the Passenger Ferry Account . . . . .	\$ 760,000
(7) Public Transportation Systems Account—	
State Appropriation:	
For transfer to the Transportation Fund—State . . . . .	\$ 178,000
(8) Transportation Fund—State Appropriation:	
For transfer to the Marine Operating Fund—	
State . . . . .	\$ 2,500,000

The appropriation in this subsection is subject to the following conditions and limitations: \$1,000,000 of the appropriation in this subsection shall be transferred in fiscal year 1996. \$1,500,000 of the appropriation in this subsection shall be transferred in fiscal year 1997, provided, however, that the transfer for fiscal year 1997 is null and void if Engrossed Substitute House Bill No. 1016 is enacted by July 1, 1996.

**NEW SECTION. Sec. 409.** The department of transportation is authorized to transfer any balances available in the highway construction stabilization account to the motor vehicle account to fund the appropriations contained in this act.

**NEW SECTION. Sec. 410.** The motor vehicle account revenues are received at a relatively even flow throughout the year. Expenditures may exceed the revenue during the accelerated summer and fall highway construction season,

creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

**NEW SECTION. Sec. 411.** In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective transportation funds and accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 412.** An appropriation of \$2,498,000 from the oil spill administration account—state and an appropriation of \$206,000 from the state toxics control account—state are made to the department of ecology pursuant to sections 514 through 524 of this act.

**NEW SECTION. Sec. 413.** The additional distribution of transit equalization moneys provided for in chapter 298, Laws of 1995 is authorized. As provided in Section 408(7) of this act, moneys are transferred from the public transportation systems account—state to the transportation fund—state to compensate for distributions of transit equalization of moneys pursuant to chapter 298, Laws of 1995 for the 1995-97 biennium.

**NEW SECTION. Sec. 414. EXPENDITURE AUTHORIZATIONS.** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1995-97 biennium.

## PART V MISCELLANEOUS

**NEW SECTION. Sec. 501. COORDINATION OF TRANSPORTATION INFORMATION TECHNOLOGY.** To maximize the use of transportation revenues, it is the intent of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies.

To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief for management information systems; the Washington state patrol deputy chief, inter-governmental services bureau; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant

director for information systems will meet quarterly to share plans, discuss progress of key projects, and to coordinate activities for the common good. Minutes of these meetings will be distributed to the respective agency heads, the office of financial management and the legislative transportation committee. Washington state department of transportation will provide staff support and meeting coordination.

**NEW SECTION. Sec. 502. INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the business problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative transportation committee. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A bimonthly project status report shall be submitted to the department of information services, the office of financial management, and legislative transportation committee for each project prior to reaching key decision points identified in the project management plan. Project status reports include: Project name, agency undertaking the project, a description of the project, key project activities or accomplishments during the next sixty to ninety days, baseline cost data, costs to date, baseline schedule, schedule to date, risk assessments, risk management, any deviations from the project feasibility study, and recommendations.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the department of information services, the office of financial management, and legislative transportation committee.

**NEW SECTION.** Sec. 503. By December 1, 1995, the department of transportation, in consultation with the department of personnel, shall provide recommendations to the legislative transportation committee regarding the feasibility of consolidating the department of transportation's personnel office with the department of personnel.

***\*NEW SECTION.*** Sec. 504. *By December 1, 1995, the department of transportation, in consultation with the transportation improvement board and the county road administration board, shall provide recommendations to the legislative transportation committee and the office of financial management regarding the feasibility of consolidating the financial functions of the three agencies.*

\*Sec. 504 was vetoed. See message at end of chapter.

**NEW SECTION.** Sec. 505. The department of licensing, Washington state patrol, and department of transportation shall place into reserve any savings to transportation funds or accounts associated with reductions in the attorney general's appropriation in the omnibus budget.

**NEW SECTION.** Sec. 506. Many educational programs, especially early childhood education programs, lack sufficient funding to obtain necessary telecommunications equipment. State agencies have surplus equipment that no longer meets the business needs of the agencies. Sections 506 through 513 of

this act are intended to facilitate the transfer of obsolete telecommunications equipment expeditiously and without extra cost from state agencies to local programs under RCW 28A.215.120.

**NEW SECTION. Sec. 507.** Beginning July 1, 1995, and ending January 1, 1996, a state agency, office, department, or educational institution may donate, on a pilot basis, obsolete telecommunications equipment and related surplus supplies to local programs provided under RCW 28A.215.120.

**NEW SECTION. Sec. 508.** Any state agency, office, department, or educational institution participating in the pilot program prescribed in section 507 of this act must use the following criteria in specifying which telecommunications equipment is considered obsolete. Items considered obsolete must meet one or more of the following criteria: (1) The equipment is no longer available for purchase in retail stores; (2) manufacture of the equipment or similar equipment has been discontinued for at least one year; or (3) the equipment is not consistent with the agency's current approved hardware standards due to upgrades. In addition, the agency must deem the equipment as no longer needed in accomplishing its mission.

**NEW SECTION. Sec. 509.** Those state agencies, offices, departments, or educational institutions participating in the pilot program described in section 507 of this act shall submit, by January 1, 1996, a report to the legislative transportation committee, office of financial management, and the department of general administration concerning implementation of section 507 of this act. The report shall list items of equipment donated, the recipients of the equipment, and recommendations regarding whether the program should be expanded to include other recipient groups or discontinued.

**NEW SECTION. Sec. 510.** Any state agency, office, department, or educational institution donating equipment under section 507 of this act shall maintain the following records for each item of equipment donated: State tag number, equipment description, serial number, recipient, appropriate state surplus transfer documents, and an explanation as to why the equipment was deemed obsolete.

**Sec. 511.** RCW 43.105.017 and 1992 c 20 s 6 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;

(3) The primary responsibility for the management and use of information, information systems, telecommunications, equipment, software, and services rests with each agency head;

(4) Resources be used in the most efficient manner and services be shared when cost-effective;

(5) A state agency, office, department, or educational institution may donate obsolete telecommunications equipment and related surplus supplies to local programs provided under RCW 28A.215.120 pursuant to section 507 of this act;

(6) A structure be created to:

(a) Plan and manage telecommunications and computing networks;

(b) Increase agencies' awareness of information sharing opportunities; and

(c) Assist agencies in implementing such possibilities;

~~((6))~~ (7) 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;

~~((7))~~ (8) To the greatest extent possible, major information technology projects be implemented on an incremental basis;

~~((8))~~ (9) The state maximize opportunities to exchange and share data and information by moving toward implementation of open system architecture based upon interface standards providing for application and data portability and interoperability;

~~((9))~~ (10) To the greatest extent possible, the state recognize any price performance advantages which may be available in midrange and personal computing architecture;

~~((10))~~ (11) The state improve recruitment, retention, and training of professional staff;

~~((11))~~ (12) Plans, proposals, and acquisitions for information services be reviewed from a financial and management perspective as part of the budget process; and

~~((12))~~ (13) 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. 512.** RCW 43.105.041 and 1990 c 208 s 6 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, except as provided in RCW 43.105.017(5) and section 507 of this act, 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;

(6) To develop and implement a process for the resolution of appeals by:

(a) Vendors concerning the conduct of an acquisition process by an agency or the department; or

(b) A customer agency concerning the provision of services by the department or by other state agency providers;

(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;

(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

(9) To review and approve that portion of the department's budget requests that provides for support to the board.

**Sec. 513.** RCW 43.19.1919 and 1991 c 216 s 2 are each amended to read as follows:

Except as provided in RCW 43.19.1920, RCW 43.105.017, and section 507 of this act, the division of purchasing shall sell or exchange personal property belonging to the state for which the agency, office, department, or educational institution having custody thereof has no further use, at public or private sale,

and cause the moneys realized from the sale of any such property to be paid into the fund from which such property was purchased or, if such fund no longer exists, into the state general fund: PROVIDED, Sales of capital assets may be made by the division of purchasing and a credit established in central stores for future purchases of capital items as provided for in RCW 43.19.190 through 43.19.1939, as now or hereafter amended: PROVIDED FURTHER, That personal property, excess to a state agency, including educational institutions, shall not be sold or disposed of prior to reasonable efforts by the division of purchasing to determine if other state agencies have a requirement for such personal property. Such determination shall follow sufficient notice to all state agencies to allow adequate time for them to make their needs known. Surplus items may be disposed of without prior notification to state agencies if it is determined by the director of general administration to be in the best interest of the state. The division of purchasing shall maintain a record of disposed surplus property, including date and method of disposal, identity of any recipient, and approximate value of the property: PROVIDED, FURTHER, That this section shall not apply to personal property acquired by a state organization under federal grants and contracts if in conflict with special title provisions contained in such grants or contracts.

This section does not apply to property under RCW 27.53.045.

**Sec. 514.** RCW 43.211.005 and 1991 c 200 s 401 are each amended to read as follows:

(1) The legislature declares that Washington's waters have irreplaceable value for the citizens of the state. These waters are vital habitat for numerous and diverse marine life and wildlife and the source of recreation, aesthetic pleasure, and pride for Washington's citizens. These waters are also vital for much of Washington's economic vitality.

The legislature finds that the transportation of oil on these waters creates a great potential hazard to these important natural resources. ~~((The legislature also finds that there is no state agency responsible for maritime safety to ensure this state's interest in preserving these resources.~~

~~The legislature therefore finds that in order to protect these waters it is necessary to establish an office of marine safety which will have the responsibility to promote the safety of marine transportation in Washington.))~~

(2) The legislature finds that the long-term environmental health of the state's waters depends upon the strength and vitality of its oil spill prevention and response program. It is the intent of this section and sections 515 through 524 of this act to create an integrated oil spill prevention and response program that fosters planning, coordination, and incidence command. To that end, the merger of the office of marine safety with the department of ecology will: Ensure coordination via streamlining the marine safety functions of two agencies into one; provide a focused prevention and response program under a single administration; generate efficient incidence command to meet challenges

threatening marine safety and the environment; and increase accountability owed to the public, the executive branch, and the legislature.

(3) It is the intent of the legislature that the merger of the office of marine safety with the department of ecology be accomplished in an organizational manner that maintains a priority focus and position for the oil spill prevention and response program. The merger shall allow for ready identification of the program by the public and ensure no diminution in the state's commitment to marine safety and environmental protection.

Sec. 515. RCW 43.211.010 and 1992 c 73 s 4 are each amended to read as follows:

(1) There is hereby created ~~((an agency of state government to be known as the office of marine safety. The office shall be vested with all powers and duties transferred to it and such other powers and duties as may be authorized by law. The main administrative office of the office shall be located in the city of Olympia. The administrator may establish administrative facilities in other locations;))~~ within the department of ecology an integrated oil spill prevention and response program. The department shall establish a division for the purpose of housing the integrated oil spill prevention and response program. The division shall establish its focus and independence from the department's other authorized divisions and services. The director may establish administrative facilities in various locations within the state of Washington, if deemed necessary for the efficient operation of the office, and if consistent with the principles set forth in subsection (2) of this section.

(2) The ~~((office of marine safety))~~ department shall ~~((be organized))~~ organize the oil spill prevention and response division consistent with the goals of providing the state ~~((government))~~ with a focus in marine transportation and serving the people of this state. ~~((The legislature recognizes that the administrator needs sufficient organizational flexibility to carry out the office's various duties;))~~ To the extent practical, the ~~((administrator))~~ director shall consider the following organizational principles:

(a) Clear lines of authority which avoid functional duplication within and between subelements of the ~~((office))~~ department;

(b) A clear and simplified organizational design promoting accessibility, responsiveness, and accountability to the legislature, the consumer, and the general public; and

(c) Maximum span of control without jeopardizing adequate supervision.

(3) The ~~((office))~~ department shall provide leadership and coordination in identifying and resolving threats to the safety of marine transportation and the impact of marine transportation on the environment:

(a) Working with other state agencies and local governments to strengthen the state and local governmental partnership in providing public protection;

(b) Providing expert advice to the executive and legislative branches of state government;

(c) Providing active and fair enforcement of rules;

(d) Working with other federal, state, and local agencies and facilitating their involvement in planning and implementing marine safety measures;

(e) Providing information to the public; and

(f) Carrying out such other related actions as may be appropriate to this purpose.

(4) In accordance with the administrative procedure act, chapter 34.05 RCW, the ~~((office))~~ department shall ensure an opportunity for consultation, review, and comment before the adoption of standards, guidelines, and rules.

(5) Consistent with the principles set forth in subsection (2) of this section, the ~~((administrator))~~ director may create ~~((such administrative divisions, offices, bureaus, and programs within the office as the administrator))~~ whatever organizational framework the director deems necessary to achieve the goals and objectives of this section so long as it is consistent with RCW 43.211.005 through 43.211.040 (as recodified by this act) and chapter 88.46 RCW. The ~~((administrator))~~ director shall have complete charge of and supervisory powers over the ~~((office))~~ division, except where the ~~((administrator's))~~ director's authority is specifically limited by law.

(6) The ~~((administrator))~~ director shall appoint ~~((such personnel as are necessary to carry out the duties of the office))~~ an assistant director to carry out the duties of providing an oil spill prevention and response program consistent with RCW 43.211.005 through 43.211.040 (as recodified by this act) and chapter 88.46 RCW. In addition to exemptions set forth in RCW 41.06.070~~((28))~~ (3), the ~~((administrator, the administrator's confidential secretary, and up to four professional staff members))~~ director shall be exempt from the provisions of chapter 41.06 RCW. All other employees of the ~~((office))~~ division shall be subject to the provisions of chapter 41.06 RCW.

**Sec. 516.** RCW 43.211.030 and 1992 c 73 s 11 are each amended to read as follows:

In addition to any other powers granted the ~~((administrator))~~ director, the ~~((administrator))~~ director, in the administration of the oil spill prevention and response division, may:

(1) Adopt, in accordance with chapter 34.05 RCW, rules necessary to carry out the provisions of this chapter and chapter 88.46 RCW;

(2) Appoint such advisory committees as may be necessary to carry out the provisions of this chapter and chapter 88.46 RCW. Members of such advisory committees are authorized to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060. The ~~((administrator))~~ director shall review each advisory committee within the jurisdiction of the ~~((office))~~ department's oil spill prevention and response division and each statutory advisory committee on a biennial basis to determine if such advisory committee is needed. The criteria specified in RCW 43.131.070 shall be used to determine whether or not each advisory committee shall be continued;

(3) Undertake studies, research, and analysis necessary to carry out the provisions of this chapter and chapter 88.46 RCW;

(4) Delegate powers, duties, and functions of the ~~((office))~~ department's oil spill prevention and response division to employees of the ~~((office))~~ department as the ~~((administrator))~~ director deems necessary to carry out the provisions of ~~((this chapter))~~ RCW 43.211.005 through 43.211.040 (as recodified by this act) and chapter 88.46 RCW;

(5) Enter into contracts on behalf of the ~~((office))~~ department's oil spill prevention and response division to carry out the purposes of ~~((this chapter))~~ RCW 43.211.005 through 43.211.040 (as recodified by this act) and chapter 88.46 RCW;

(6) Act for the state in the initiation of, or the participation in, any intergovernmental program for the purposes of ~~((this chapter))~~ RCW 43.211.005 through 43.211.040 (as recodified by this act) and chapter 88.46 RCW; or

(7) Accept gifts, grants, or other funds.

**Sec. 517.** RCW 43.211.040 and 1991 c 200 s 407 are each amended to read as follows:

(1) The ~~((administrator))~~ director shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before the ~~((administrator))~~ director together with all books, memoranda, papers, and other documents, articles or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation.

(2) Subpoenas issued in adjudicative proceedings shall be governed by chapter 34.05 RCW.

(3) Subpoenas issued in the conduct of investigations required or authorized by other statutory provisions or necessary in the enforcement of other statutory provisions shall be governed by chapter 34.05 RCW.

**Sec. 518.** RCW 88.46.922 and 1991 c 200 s 431 are each amended to read as follows:

All reports, documents, surveys, books, records, files, papers, or written material in the possession of the office of marine safety shall be delivered to the custody of the department of ecology. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the office of marine safety shall be made available to the department of ecology. All funds, credits, or other assets held by the office of marine safety shall be assigned to the department of ecology.

Any appropriations made to the office of marine safety shall, on ~~((July 1, 1997))~~ January 1, 1996, be transferred and credited to the department of ecology.

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.

**Sec. 519.** RCW 88.46.925 and 1991 c 200 s 434 are each amended to read as follows:

The transfer of the powers, duties, and functions(~~(, and personnel)~~) of the office of marine safety shall not affect the validity of any act performed prior to ~~((July 1, 1997))~~ January 1, 1996.

**NEW SECTION.** **Sec. 520.** A new section is added to chapter 90.56 RCW to read as follows:

No moneys may be spent by the department from the oil spill administration account, as established in RCW 90.56.510, nor the oil spill response account, as established in RCW 90.56.500, for any purpose other than carrying out the purposes, programs, and services of oil spill prevention and response consistent with RCW 43.211.005 through 43.211.040 (as recodified by this act) and chapter 88.46 RCW.

**Sec. 521.** 1991 c 200 s 1120 (uncodified) is amended to read as follows:

Sections 430 through 436 ~~((of this act))~~, chapter 200, Laws of 1991 shall take effect ~~((July 1, 1997))~~ January 1, 1996.

**Sec. 522.** 1993 c 281 s 73 (uncodified) is amended to read as follows:

Section 67 ~~((of this act))~~, chapter 281, Laws of 1993 shall take effect ~~((July 1, 1997))~~ January 1, 1996.

**NEW SECTION.** **Sec. 523.** RCW 43.211.005, 43.211.010, 43.211.030, and 43.211.040, as amended in this act, are each recodified as new sections in chapter 43.21A RCW.

**NEW SECTION.** **Sec. 524.** The following acts or parts of acts are each repealed:

- (1) RCW 43.211.020 and 1992 c 73 s 5 & 1991 c 200 s 403;
- (2) RCW 88.46.920 and 1991 c 200 s 429; and
- (3) RCW 88.46.923 and 1991 c 200 s 432.

**Sec. 525.** RCW 90.56.510 and 1994 1st sp.s. c 6 s 903 are each amended to read as follows:

(1) The oil spill administration account is created in the state treasury. All receipts from RCW 82.23B.020(2) shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. On July 1 of each odd-numbered year, if receipts deposited in the account from the tax imposed by RCW 82.23B.020(2) for the previous fiscal biennium exceed the amount appropriated from the account for the previous fiscal biennium, the state treasurer shall transfer the amount of receipts exceeding the appropriation to the oil spill response account. If, on the first day of any calendar month, the balance of the oil spill response account is greater than twenty-five million dollars and the balance of the oil spill administration account exceeds the unexpended appropriation for the current biennium, then the tax under RCW 82.23B.020(2) shall be suspended on the first day of the next calendar month until the

beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under RCW 82.23B.020(2) is suspended during two consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the biennium ending June 30, ~~((1995))~~ 1997, the state treasurer may transfer ~~((funds))~~ up to \$1,718,000 from the oil spill response account to the oil spill administration account ~~((in amounts necessary))~~ to support appropriations made from the oil spill administration account in the omnibus and transportation appropriations acts adopted not later than June 30, ~~((1994))~~ 1997.

(2) Expenditures from the oil spill administration account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.46 RCW. Starting with the 1995-1997 biennium, the legislature shall give activities of state agencies related to prevention of oil spills priority in funding from the oil spill administration account. Costs of administration include the costs of:

- (a) Routine responses not covered under RCW 90.56.500;
- (b) Management and staff development activities;
- (c) Development of rules and policies and the state-wide plan provided for in RCW 90.56.060;
- (d) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;
- (e) Interagency coordination and public outreach and education;
- (f) Collection and administration of the tax provided for in chapter 82.23B RCW; and
- (g) Appropriate travel, goods and services, contracts, and equipment.

**NEW SECTION. Sec. 526.** In order to provide enhanced program visibility and improved legislative oversight, the legislature concurs with the recommendation of the transportation commission that two new program designations be established within the department of transportation: (1) The transportation economic partnerships program, and (2) the transit and rail program.

**NEW SECTION. Sec. 527.** The attorney general shall prepare annually a report to the legislative transportation committee comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and



(6) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

**Sec. 528.** RCW 47.78.010 and 1991 sp.s. c 13 ss 66, 121 are each amended to read as follows:

(1) There is hereby established in the state treasury the high capacity transportation account. Money in the account shall be used, after appropriation, for local high capacity transportation purposes including rail freight.

(2) For the biennium ending June 30, 1997, money in the account may be transferred to the passenger ferry account as provided for in section 408, chapter . . . , Laws of 1995 (this act).

**\*Sec. 529.** RCW 82.44.150 and 1994 c 241 s 1 are each amended to read as follows:

*(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, advise the state treasurer of the total amount of motor vehicle excise taxes imposed by RCW 82.44.020 (1) and (2) remitted to the department during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:*

*The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(3) and 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.*

*(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department shall, from motor vehicle excise taxes deposited in the general fund, under RCW 82.44.110(1)(g), make the following deposits:*

*(a) To the high capacity transportation account created in RCW 47.78.010, a sum equal to four and five-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special*

excise tax within ((i)) each county ((with a population of two hundred ten thousand or more and (ii) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described in subsection (i) of this subsection)) that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders; except that in a case of a municipality located in a county that has a population of one hundred seventy-five thousand or more that does not have an interstate highway located within its borders, that sum shall be deposited in the passenger ferry account;

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

(c) To the public transportation systems account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within counties not described in (b) of this subsection, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(c) applies; however, any transfer under this subsection (2)(c) must be greater than zero; and

(d) To the general fund, for revenues distributed after June 30, 1993, and to the transportation fund, for revenues distributed after June 30, 1995, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a

*special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent notwithstanding the requirements set forth in subsections (3) through (6) of this section, reduced by an amount equal to distributions made under (a), (b), and (c) of this subsection and RCW 82.14.046.*

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

*(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding (i) the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and (ii) the sales and use tax equalization distributions provided under RCW 82.14.046; and*

*(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter, excluding the sales and use tax equalization distributions provided under RCW 82.14.046.*

*(4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (3) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year excluding the sales and use tax equalization distributions provided under RCW 82.14.046. At the time of the next fiscal audit of each*

*municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.*

*(5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section and RCW 82.14.046 shall be remitted without legislative appropriation.*

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

\*Sec. 529 was vetoed. See message at end of chapter.

**Sec. 530.** RCW 70.94.531 and 1991 c 202 s 13 are each amended to read as follows:

(1) Not more than six months after the adoption of the commute trip reduction plan by a jurisdiction, each major employer in that jurisdiction shall develop a commute trip reduction program and shall submit a description of that program to the jurisdiction for review. The program shall be implemented not more than six months after submission to the jurisdiction.

(2) A commute trip reduction program shall consist of, at a minimum (a) designation of a transportation coordinator and the display of the name, location, and telephone number of the coordinator in a prominent manner at each affected worksite; (b) regular distribution of information to employees regarding alternatives to single-occupant vehicle commuting; (c) an annual review of employee commuting and reporting of progress toward meeting the single-occupant vehicle reduction goals to the county, city, or town consistent with the method established in the commute trip reduction plan; and (d) implementation of a set of measures designed to achieve the applicable commute trip reduction goals adopted by the jurisdiction. Such measures may include but are not limited to:

(i) Provision of preferential parking or reduced parking charges, or both, for high occupancy vehicles;

(ii) Instituting or increasing parking charges for single-occupant vehicles;

(iii) Provision of commuter ride matching services to facilitate employee ridesharing for commute trips;

(iv) Provision of subsidies for transit fares;

(v) Provision of vans for van pools;

(vi) Provision of subsidies for car pooling or van pooling;

(vii) Permitting the use of the employer's vehicles for car pooling or van pooling;

(viii) Permitting flexible work schedules to facilitate employees' use of transit, car pools, or van pools;

(ix) Cooperation with transportation providers to provide additional regular or express service to the worksite;

(x) Construction of special loading and unloading facilities for transit, car pool, and van pool users;

(xi) Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;

(xii) Provision of a program of parking incentives such as a rebate for employees who do not use the parking facility;

(xiii) Establishment of a program to permit employees to work part or full time at home or at an alternative worksite closer to their homes;

(xiv) Establishment of a program of alternative work schedules such as compressed work week schedules which reduce commuting; (~~and~~)

(xv) Establishment of proximate commuting programs by employers with multiple worksites; and

(xvi) Implementation of other measures designed to facilitate the use of high-occupancy vehicles such as on-site day care facilities and emergency taxi services.

(3) Employers or owners of worksites may form or utilize existing transportation management associations to assist members in developing and implementing commute trip reduction programs.

*\*Sec. 531. RCW 82.44.180 and 1993 sp.s. c 23 s 64 and 1993 c 393 s 1 are each reenacted and amended to read as follows:*

*(1) The transportation fund is created in the state treasury. Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections.*

*Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article II, section 40 of the state Constitution.*

*(2) There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be appropriated to the department of transportation for public transportation related purposes specified in the transportation appropriations act or to the department of transportation and allocated by the multimodal transportation programs and projects selection committee created in RCW 47.66.020 to public transportation projects within the region from which the funds are derived, solely for:*

*(a) Planning;*

*(b) Development of capital projects;*

*(c) Development of high capacity transportation systems as defined in RCW 81.104.015;*

*(d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and*

(e) *Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.*

(3) *There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(c) shall be appropriated to the department of transportation for public transportation related purposes specified in the transportation appropriations act or to the department of transportation and allocated by the multimodal transportation programs and projects selection committee to public transportation projects submitted by the public transportation systems from which the funds are derived, solely for:*

(a) *Planning;*

(b) *Development of capital projects;*

(c) *Development of high capacity transportation systems as defined in RCW 81.104.015;*

(d) *Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;*

(e) *Other public transportation system-related roadway projects on state highways, county roads, or city streets; and*

(f) *Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.*

\*Sec. 531 was vetoed. See message at end of chapter.

\*Sec. 532. *RCW 47.78.010 and 1991 sp.s. c 13 ss 66, 121 are each amended to read as follows:*

*There is hereby established in the state treasury the high capacity transportation account. Money in the account shall be used, after appropriation, for high occupancy vehicle lane construction or for local high capacity transportation purposes including rail freight.*

\*Sec. 532 was vetoed. See message at end of chapter.

Sec. 533. 1994 c 303 s 20 (uncodified) is amended to read as follows:

(1) *There is hereby appropriated cumulatively from the motor vehicle fund—state, the transportation fund—state, and the general fund—state, up to \$35,500,000 for preliminary engineering, right of way acquisition, and construction of the following regular category C projects:*

((+)) (a) *SPRING ST TO JOHNSON RD (627000D);*

((2)) (b) *W. LK SAMM. PKWY. TO SR 202 (152038A, 152039D);*

((3)) (c) *DIAMOND LAKE CHANNELIZATION (600232E);*

((4)) (d) *15TH SW TO SR 161 U-XING (351214A);*

((5)) (e) *ANDRESEN ROAD TO SR 503 (450093B);*

((6)) (f) *NE 144TH ST TO BATTLEGROUND (450387B);*

((7)) (g) *STEAMBOAT ISLAND RD I/C (310199A);*

((8)) (h) *GRAHAM HILL VICINITY (316111A);*

((9)) (i) *NORTH OF WINSLOW - STAGE I (330505A);*

- ~~((10))~~ (j) SR 5 TO BLANDFORD DRIVE (401487A);  
~~((11))~~ (k) 32ND STREET INTERCHANGE (316711A); and  
~~((12))~~ (l) SUNNYSLOPE I/C - STAGE 2 (228531A).

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

The total expenditures under this section from all fund sources, including funds transferred under section 18(5) of this act, shall not exceed \$35,500,000. The general fund—state expenditure under this section and sections 18, 21, and 22 of this act, cumulatively, shall not exceed \$93,925,000.

(2) The purpose of this amendment is to clarify the intent of the legislature that the appropriation for project No. (b) included moneys for construction of Stage 1, including a diamond interchange at SR 520/SR 202. Such moneys are reappropriated for the project, W. Lake Sammamish Parkway to SR 202, including the construction of the diamond interchange at SR 520/SR 202. Such reappropriation shall be considered to be effective as of the date of section 20, chapter 303, Laws of 1994. All expenditures made by the department from that date are hereby ratified.

(3) If House Bill No. 2074 is enacted by June 30, 1995, this section is null and void.

NEW SECTION. Sec. 534. It is the intent of the legislature that the department of transportation may implement a voluntary retirement incentive program that is cost neutral provided that such program is approved by the director of financial management.

NEW SECTION. Sec. 535. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1995 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, 1991, and 1993 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 536. Sections 511 through 523 and 528 through 533 of this act expire June 30, 1997.

*\*Sec. 537. RCW 81.104.140 and 1992 c 101 s 25 are each amended to read as follows:*

*(1) Agencies authorized to provide high capacity transportation service, including transit agencies and regional transit authorities, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in ~~((a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection. In any county with a population of one million or more or in any county having a population of four hundred~~*

~~thousand or more bordering a county with a population of one million or more, these funding sources may be imposed only by a regional transit authority))~~ any county that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders. A vote within the boundaries of a regional transit authority to authorize imposition of these dedicated funding sources may not occur prior to February 1, 1996.

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

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

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

(4) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:

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

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

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

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

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be subject to voter approval



by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. ~~((The ballot title shall reference the document identified in subsection (8) of this section.))~~

~~(8) ((Agencies shall provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It shall also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document shall be provided to the voters at least twenty days prior to the date of the election)) When making public representations about revenues available to support a proposed project, regional transit authorities shall not assume, nor imply the availability of state funds unless those funds have been specifically authorized. Any assumptions of federal funds shall be based on authorizations in the current six-year transportation authorization law.~~

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

(10) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses.

\*Sec. 537 was vetoed. See message at end of chapter.

Sec. 538. RCW 82.44.150 and 1994 c 241 s 1 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, advise the state treasurer of the total amount of motor vehicle excise taxes imposed by RCW 82.44.020 (1) and (2) remitted to the department during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(3) and 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor

vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department shall, from motor vehicle excise taxes deposited in the general fund, under RCW 82.44.110(1)(g), make the following deposits:

(a) To the high capacity transportation account created in RCW 47.78.010, a sum equal to four and five-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax within ~~((i)) each county ((with a population of two hundred ten thousand or more and (ii) each county with a population of from one hundred twenty five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described in subsection (i) of this subsection))~~ that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders; except that in a case of a municipality located in a county that has a population of one hundred seventy-five thousand or more that does not have an interstate highway located within its borders, that sum shall be deposited in the passenger ferry account;

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

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

transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(c) applies; however, any transfer under this subsection (2)(c) must be greater than zero; and

(d) To the general fund, for revenues distributed after June 30, 1993, and to the transportation fund, for revenues distributed after June 30, 1995, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent notwithstanding the requirements set forth in subsections (3) through (6) of this section, reduced by an amount equal to distributions made under (a), (b), and (c) of this subsection and RCW 82.14.046.

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

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding (i) the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and (ii) the sales and use tax equalization distributions provided under RCW 82.14.046; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter, excluding the sales and use tax equalization distributions provided under RCW 82.14.046.

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

the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year excluding the sales and use tax equalization distributions provided under RCW 82.14.046. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section and RCW 82.14.046 shall be remitted without legislative appropriation.

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

**\*NEW SECTION.** *Sec. 539. The following acts or parts of acts are each repealed:*

- (1) RCW 81.112.010 and 1992 c 101 s 1;
- (2) RCW 81.112.020 and 1992 c 101 s 2;
- (3) RCW 81.112.030 and 1994 c 44 s 1, 1993 sp.s. c 23 s 62, & 1992 c 101 s 3;
- (4) RCW 81.112.040 and 1994 c 109 s 1 & 1992 c 101 s 4;
- (5) RCW 81.112.050 and 1992 c 101 s 5;
- (6) RCW 81.112.060 and 1992 c 101 s 6;
- (7) RCW 81.112.070 and 1992 c 101 s 7;
- (8) RCW 81.112.080 and 1992 c 101 s 8;
- (9) RCW 81.112.090 and 1992 c 101 s 9;
- (10) RCW 81.112.100 and 1992 c 101 s 10;
- (11) RCW 81.112.110 and 1992 c 101 s 11;
- (12) RCW 81.112.120 and 1992 c 101 s 12;
- (13) RCW 81.112.130 and 1992 c 101 s 13;
- (14) RCW 81.112.140 and 1992 c 101 s 14;
- (15) RCW 81.112.150 and 1992 c 101 s 15;
- (16) RCW 81.112.160 and 1992 c 101 s 16;
- (17) RCW 81.112.170 and 1992 c 101 s 17;
- (18) RCW 81.112.900 and 1992 c 101 s 33;
- (19) RCW 81.112.901 and 1992 c 101 s 34; and
- (20) RCW 81.112.902 and 1992 c 101 s 35.

\*Sec. 539 was vetoed. See message at end of chapter.

**\*Sec. 540.** *RCW 81.104.015 and 1992 c 101 s 19 are each amended to read as follows:*

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

(1) *"High capacity transportation system" means a system of public transportation services within an urbanized region operating principally on exclusive rights of way, and the supporting services and facilities necessary to implement such a system, including interim express services and high occupancy vehicle lanes, which taken as a whole, provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating principally in general purpose roadways.*

(2) *"Regional transit system" means a high capacity transportation system under the jurisdiction of one or more transit agencies (~~except where a regional transit authority created under chapter 81.112 RCW exists, in which case "regional transit system" means the high capacity transportation system under the jurisdiction of a regional transit authority~~).*

(3) *"Transit agency" means city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas.*

\*Sec. 540 was vetoed. See message at end of chapter.

**Sec. 541.** RCW 81.104.030 and 1993 c 428 s 1 are each amended to read as follows:

(1) ~~In any county (with a population of from two hundred ten thousand to less than one million that is not bordered by a county with a population of one million or more, and in each county with a population of less than two hundred ten thousand)~~ that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders, except for any county having a population of more than one million or a county that has a population more than four hundred thousand and is adjacent to a county with a population of more than one million, transit agencies may elect to establish high capacity transportation service. Such agencies shall form a regional policy committee with proportional representation based upon population distribution within the designated service area and a representative of the department of transportation, or such agencies may use the designated metropolitan planning organization as the regional policy committee.

Transit agencies participating in joint regional policy committees shall seek voter approval within their own service boundaries of a high capacity transportation system plan and financing plan. For transit agencies in counties adjoining state or international boundaries where the high capacity transportation system plan and financing plan propose a bi-state or international high capacity transportation system, such voter approval shall be required from only those voters residing within the service area in the state of Washington.

(2) Transit agencies in counties adjoining state or international boundaries are authorized to participate in the regional high capacity transportation programs of an adjoining state or Canadian province.

*\*Sec. 542. RCW 81.104.040 and 1992 c 101 s 21 are each amended to read as follows:*

*Transit agencies in each county with a population of one million or more, and in each county with a population of from ~~((two))~~ four hundred ~~((ten))~~ thousand to less than one million bordering a county with a population of one million or more ~~((that are authorized on January 1, 1991, to provide high capacity transportation planning and operating services must))~~ may establish through interlocal agreements a ~~((joint regional policy committee with proportional representation based upon the population distribution within each agency's designated service area, as determined by the parties to the agreement.~~*

~~*(1) The membership of the joint regional policy committee shall consist of locally elected officials who serve on the legislative authority of the existing transit systems and a representative from the department of transportation. Nonvoting membership for elected officials from adjoining counties may be allowed at the committee's discretion.*~~

~~*(2) The joint regional policy committee shall be responsible for the preparation and adoption of)*~~ process to jointly prepare a regional high capacity transportation implementation program, which shall include the system plan, project plans, and a financing plan. This program shall be in conformance with the regional transportation planning organization's regional transportation plan and consistent with RCW 81.104.080.

~~*((3) The joint regional policy committee shall present an adopted high capacity transportation system plan and financing plan to the boards of directors of the transit agencies within the service area or to the regional transit authority, if such authority has been formed. The authority shall proceed as prescribed in RCW 81.112.030)).*~~

*Transit agencies are encouraged to utilize this process and the process in RCW 81.104.170 in order to better coordinate high-capacity transit services and to provide for more effective utilization of transportation resources.*

*\*Sec. 542 was vetoed. See message at end of chapter.*

*\*Sec. 543. RCW 81.104.050 and 1992 c 101 s 22 are each amended to read as follows:*

*Regional high capacity transportation service may be expanded beyond the established district boundaries through interlocal agreements among the transit agencies ~~((and any regional transit authorities in existence)).~~*

*\*Sec. 543 was vetoed. See message at end of chapter.*

*\*Sec. 544. RCW 81.104.120 and 1993 c 428 s 2 are each amended to read as follows:*

*(1) Transit agencies ~~((and regional transit authorities))~~ may operate or contract for commuter rail service where it is deemed to be a reasonable alternative transit mode. A reasonable alternative is one whose ~~((passenger))~~ costs per passenger mile, including costs of trackage, equipment, maintenance,*

operations, and administration are equal to or less than comparable bus, entrained bus, trolley, or personal rapid transit systems.

(2) A county may use funds collected under RCW 81.100.030 or 81.100.060 to contract with one or more transit agencies (~~(or regional transit authorities)~~) for planning, operation, and maintenance of commuter rail projects which: (a) Are consistent with the regional transportation plan; (b) have met the project planning and oversight requirements of RCW 81.104.100 and 81.104.110; and (c) have been approved by the voters within the service area of each transit agency (~~(or regional transit authority)~~) participating in the project. For transit agencies in counties adjoining state or international boundaries where the high capacity transportation system plan and financing plan propose a bi-state or international high capacity transportation system, such voter approval shall be required from only those voters residing within the service area in the state of Washington. The phrase "approved by the voters" includes specific funding authorization for the commuter rail project.

(3) The utilities and transportation commission shall maintain safety responsibility for passenger rail service operating on freight rail lines. Agencies providing passenger rail service on lines other than freight rail lines shall maintain safety responsibility for that service.

\*Sec. 544 was vetoed. See message at end of chapter.

\*Sec. 545. RCW 81.104.140 and 1992 c 101 s 25 are each amended to read as follows:

(1) Transit agencies authorized to provide high capacity transportation service(~~(, including transit agencies and regional transit authorities,)) are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in ((a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection. In any county with a population of one million or more or in any county having a population of four hundred thousand or more bordering a county with a population of one million or more, these funding sources may be imposed only by a regional transit authority)) any county that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders.~~

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

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

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;

*(d) Implementation feasibility;*

*(e) Revenue reliability; and*

*(f) Revenue yield.*

*(4) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:*

*(a) Employer tax as provided in RCW 81.104.150;*

*(b) Special motor vehicle excise tax as provided in RCW 81.104.160; and*

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

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

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

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

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

*(8) ~~((Agencies shall provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It shall also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document shall be provided to the voters at least twenty days prior to the date of the election))~~ When making public representations about revenues available to support a proposed project transit agencies, shall not assume, nor imply the availability of state funds unless those funds have been specifically authorized. Any assumptions*



of federal funds shall be based on authorizations in the current six-year transportation authorization law.

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

(10) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses.

\*Sec. 545 was vetoed. See message at end of chapter.

\*Sec. 546. RCW 81.104.150 and 1992 c 101 s 26 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas(~~(and regional transit authorities)~~) may submit an authorizing proposition to the voters and if approved may impose an excise tax of up to two dollars per month per employee on all employers located within the agency's jurisdiction, measured by the number of full-time equivalent employees, solely for the purpose of providing high capacity transportation service. The rate of tax shall be approved by the voters. This tax may not be imposed by(~~(+(-1))~~) a transit agency when the county within which it is located is imposing an excise tax pursuant to RCW 81.100.030(~~(+ or (2) a regional transit authority when any county within the authority's boundaries is imposing an excise tax pursuant to RCW 81.100.030)~~). The agency imposing the tax authorized in this section may provide for exemptions from the tax to such educational, cultural, health, charitable, or religious organizations as it deems appropriate.

\*Sec. 546 was vetoed. See message at end of chapter.

\*Sec. 547. RCW 81.104.160 and 1992 c 194 s 13 and 1992 c 101 s 27 are each reenacted and amended to read as follows:

(1) Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas(~~(and regional transit authorities)~~) may submit an authorizing proposition to the voters, and if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding eighty one-hundredths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of the taxing district, solely for the purpose of providing high capacity transportation service. In any county imposing a motor vehicle excise tax surcharge pursuant to RCW 81.100.060, the maximum tax rate under this section shall be reduced to a rate equal to eighty one-hundredths of one percent on the value less the equivalent motor vehicle excise tax rate of the surcharge imposed pursuant to RCW 81.100.060. This rate shall not apply to vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight

of six thousand pounds or less, RCW 46.16.079, (~~46.16.080~~), 46.16.085, or 46.16.090.

(2) An agency imposing a tax under subsection (1) of this section may also impose a sales and use tax solely for the purpose of providing high capacity transportation service, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the agency's jurisdiction that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax shall bear the same ratio to the rate imposed under RCW 82.08.020(2) as the excise tax rate imposed under subsection (1) of this section bears to the excise tax rate imposed under RCW 82.44.020 (1) and (2). The base of the tax shall be the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax. The revenue collected under this subsection shall be used in the same manner as excise taxes under subsection (1) of this section.

\*Sec. 547 was vetoed. See message at end of chapter.

\*Sec. 548. RCW 81.104.170 and 1992 c 101 s 28 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas(~~and regional transit authorities~~) 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, solely for the purpose of providing high capacity transportation service.

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 the taxing district. 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 in any county that imposes a tax under RCW 82.14.340(~~or within a regional transit authority if any county within the authority imposes a tax under RCW 82.14.340~~).

\*Sec. 548 was vetoed. See message at end of chapter.

\*Sec. 549. RCW 81.104.180 and 1992 c 101 s 29 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas(~~and regional transit authorities~~) are authorized to pledge revenues from the employer tax authorized by RCW 81.104.150, the special motor vehicle excise tax authorized by RCW 81.104.160, and the sales and use tax authorized by RCW 81.104.170, to retire bonds issued solely for the purpose of providing high capacity transportation service.

\*Sec. 549 was vetoed. See message at end of chapter.

*\*Sec. 550. RCW 81.104.190 and 1992 c 101 s 30 are each amended to read as follows:*

*Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas~~(~~and regional transit systems~~)~~ may contract with the state department of revenue or other appropriate entities for administration and collection of any tax authorized by RCW 81.104.150, 81.104.160, and 81.104.170.*

*\*Sec. 550 was vetoed. See message at end of chapter.*

*\*Sec. 551. RCW 35.58.2795 and 1994 c 158 s 6 are each amended to read as follows:*

*By April 1st of each year, the legislative authority of each municipality, as defined in RCW 35.58.272, ~~((and each regional transit authority))~~ shall prepare a six-year transit development plan 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 36.70A RCW. 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. The six-year plan for each municipality ~~((and regional transit authority))~~ shall specifically set forth those projects of regional significance for inclusion in the transportation improvement program within that region. Each municipality ~~((and regional transit authority))~~ 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 ~~((and the regional transit authority))~~ 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.*

*\*Sec. 551 was vetoed. See message at end of chapter.*

*\*Sec. 552. RCW 47.26.121 and 1995 c 269 s 2603 are each amended to read as follows:*

*(1) There is hereby created a transportation improvement board of twenty-one members, six of whom shall be county members and six of whom shall be city members. The remaining members shall be: (a) One representative appointed by the governor who shall be a state employee with responsibility for transportation policy, planning, or funding; (b) two representatives from the department of transportation; (c) two representatives of public transit systems; (d) a private sector representative; (e) a member representing the ports; (f) a*

*member representing nonmotorized transportation; and (g) a member representing special needs transportation.*

*(2) Of the county members of the board, one shall be a county engineer or public works director; one shall be the executive director of the county road administration board; one shall be a county planning director or planning manager; one shall be a county executive, councilmember, or commissioner from a county with a population of one hundred twenty-five thousand or more; one shall be a county executive, councilmember, or commissioner of a county who serves on the board of a public transit system; and one shall be a county executive, councilmember, or commissioner from a county with a population of less than one hundred twenty-five thousand. All county members of the board, except the executive director of the county road administration board, shall be appointed. Not more than one county member of the board shall be from any one county. No more than two of the three county-elected officials may represent counties located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.*

*(3) Of the city members of the board one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city with a population of twenty thousand or more; 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; one shall be a city planning director or planning manager; one shall be a mayor, commissioner, or city councilmember of a city with a population of twenty thousand or more; one shall be a mayor, commissioner, or city councilmember of a city who serves on the board of a public transit system; and one shall be a mayor, commissioner, or councilmember 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. No more than two of the three city-elected officials may represent cities located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.*

*(4) Of the transit members, at least one shall be a general manager, executive director, or transit director of a public transit system in an urban area with a population over two hundred thousand and at least one representative from a rural or small urban transit system in an area with a population less than two hundred thousand.*

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

*(6) The public member shall have professional experience in transportation or land use planning, a demonstrated interest in transportation issues, and involvement with community groups or grass roots organizations.*

*(7) The port member shall be a commissioner or senior staff person of a public port.*

*(8) The nonmotorized transportation member shall be a citizen with a demonstrated interest and involvement with a nonmotorized transportation group.*

*(9) The specialized transportation member shall be a citizen with a demonstrated interest and involvement with a state-wide specialized needs transportation group.*

*(10) Appointments of county, city, Washington department of transportation, transit, port, nonmotorized transportation, special needs transportation, private sector, and public representatives shall be made by the secretary of the department of transportation. Appointees shall be chosen from a list of two persons for each position nominated by the Washington state association of counties for county members, the association of Washington cities for city members, the Washington state transit association for the transit members, and the Washington public ports association for the port member. The private sector, public, nonmotorized transportation, and special needs members shall be sought through classified advertisements in selected newspapers collectively serving all urban areas of the state, and other appropriate means. Persons applying for the private sector, nonmotorized transportation, special needs transportation, or the public member position must provide a letter of interest and a resume to the secretary of the department of transportation. 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 or when a private sector, nonmotorized transportation, special needs transportation, or public member resigns or is unable or unwilling to serve.*

*(11) Appointments shall be for terms of four years. Terms of all appointed members shall expire on June 30th of even-numbered years. The initial term of appointed members may be for less than four years. No appointed member may serve more than two consecutive four-year terms.*

*(12) The board shall elect a chair from among its members for a two-year term.*

*(13) Expenses of the board shall be paid in accordance with RCW 47.26.140.*

*(14) For purposes of this section, "public transit system" means a city-owned transit system, county transportation authority, metropolitan municipal corporation, or public transportation benefit area(~~(, or regional transit authority)~~).*

\*Sec. 552 was vetoed. See message at end of chapter.

\*Sec. 553. RCW 47.80.060 and 1992 c 101 s 31 are each amended to read as follows:

*In order to qualify for state planning funds available to regional transportation planning organizations, the regional transportation planning*

*organizations containing any county with a population in excess of one million shall provide voting membership on its executive board to the state transportation commission, the state department of transportation, and the three largest public port districts within the region as determined by gross operating revenues. It shall further assure that at least fifty percent of the county and city local elected officials who serve on the executive board also serve on transit agency boards ((or on a regional transit authority)).*

*\*Sec. 553 was vetoed. See message at end of chapter.*

*\*NEW SECTION. Sec. 554. (1) Every regional transit authority created under chapter 81.112 RCW is hereby abolished.*

*(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of any regional transit authority created under chapter 81.112 RCW shall be delivered to the custody of the transit agencies within the boundaries of the regional transit authority. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by any regional transit authority created under chapter 81.112 RCW shall be made available to the transit agencies within the boundaries of the regional transit authority. All funds, credits, or other assets held by any regional transit authority created under chapter 81.112 RCW shall be assigned to the transit agencies within the boundaries of the regional transit authority.*

*(b) Any appropriations or grants made to any regional transit authority created under chapter 81.112 RCW and any funds in the custody of any regional transit authority created under chapter 81.112 RCW shall, on the effective date of this section, be transferred and credited to the transit agencies within the boundaries of the regional transit authority.*

*(c) If any question or dispute 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.*

*(3) All rules and all pending business before any regional transit authority created under chapter 81.112 RCW shall be continued and acted upon by the transit agencies within the boundaries of the regional transit authority. All existing contracts and obligations shall remain in full force and shall be performed by the transit agencies within the boundaries of the regional transit authority.*

*(4) The transfer of the duties, functions, and personnel of any regional transit authority created under chapter 81.112 RCW shall not affect the validity of any act performed before the effective date of this section.*

*(5) If apportionments of budgeted funds are required because of the transfers directed by this section, 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.*

*(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.*

*(7) The transit agencies within the boundaries of the regional transit authority shall apportion equitably among themselves any assets or liabilities remaining after the regional transit authority is abolished.*

\*Sec. 554 was vetoed. See message at end of chapter.

**\*NEW SECTION.** *Sec. 555. A new section is added to chapter 81.104 RCW to read as follows:*

*Transit agencies entering into local agreements under RCW 81.104.040 shall include, as part of their process to prepare a high capacity transportation program, a comprehensive treatment of mobility in the entire region which their program addresses. It shall consider existing and future technological alternatives under development demonstrating the capacity for addressing regional transportation problems into the twenty-first century.*

*The evaluation shall address trips throughout the region including city-to-city, city-to-suburb, and suburb-to-suburb, considering steps necessary to reduce congestion, especially addressing peak period traffic. The program shall be destination oriented, addressing not only the service needs of urban areas but those of less populated areas throughout the region. It shall include necessary freeway expansion, including the use of special purpose lanes to expedite commerce and for other purposes. It shall also consider programs developed for certain areas such as fare-free programs, and tax incentives for business and individuals designed to reduce trips, in order to reduce traffic congestion and to ensure mobility.*

*The process shall include input from cities and counties, public ports, large employers in the area, the department of transportation, and the legislature.*

\*Sec. 555 was vetoed. See message at end of chapter.

**\*NEW SECTION.** *Sec. 556. Section 537, chapter . . ., Laws of 1995 1st sp. sess. (this act) shall expire on May 31, 1996.*

\*Sec. 556 was vetoed. See message at end of chapter.

**\*Sec. 557.** *RCW 81.112.030 and 1994 c 44 s 1 are each amended to read as follows:*

*Two or more contiguous counties each having a population of four hundred thousand persons or more may establish a regional transit authority to develop and operate a high capacity transportation system as defined in chapter 81.104 RCW.*

*The authority shall be formed in the following manner:*

(1) *The joint regional policy committee created pursuant to RCW 81.104.040 shall adopt a system and financing plan, including the definition of the service area. This action shall be completed by September 1, 1992, contingent upon satisfactory completion of the planning process defined in RCW 81.104.100. The final system plan shall be adopted no later than June 30, 1993. In addition to the requirements of RCW 81.104.100, the plan for the proposed system shall provide explicitly for a minimum portion of new tax revenues to be allocated to local transit agencies for interim express services. Upon adoption the joint regional policy committee shall immediately transmit the plan to the county legislative authorities within the adopted service area.*

(2) *The legislative authorities of the counties within the service area shall decide by resolution whether to participate in the authority. This action shall be completed within forty-five days following receipt of the adopted plan or by August 13, 1993, whichever comes first.*

(3) *Each county that chooses to participate in the authority shall appoint its board members as set forth in RCW 81.112.040 and shall submit its list of members to the secretary of the Washington state department of transportation. These actions must be completed within thirty days following each county's decision to participate in the authority.*

(4) *The secretary shall call the first meeting of the authority, to be held within thirty days following receipt of the appointments. At its first meeting, the authority shall elect officers and provide for the adoption of rules and other operating procedures.*

(5) *The authority is formally constituted at its first meeting and the board shall begin taking steps toward implementation of the system and financing plan adopted by the joint regional policy committee. If the joint regional policy committee fails to adopt a plan by June 30, 1993, the authority shall proceed to do so based on the work completed by that date by the joint regional policy committee. Upon formation of the authority, the joint regional policy committee shall cease to exist. The authority may make minor modifications to the plan as deemed necessary and shall at a minimum review local transit agencies' plans to ensure feeder service/high capacity transit service integration, ensure fare integration, and ensure avoidance of parallel competitive services. The authority shall also conduct a minimum thirty-day public comment period.*

(6) *If the authority determines that major modifications to the plan are necessary before the initial ballot proposition is submitted to the voters, the authority may make those modifications with a favorable vote of two-thirds of the entire membership. Any such modification shall be subject to the review process set forth in RCW 81.104.110. The modified plan shall be transmitted to the legislative authorities of the participating counties. The legislative authorities shall have forty-five days following receipt to act by motion or ordinance to confirm or rescind their continued participation in the authority.*



(7) *If any county opts to not participate in the authority, but two or more contiguous counties do choose to continue to participate, the authority's board shall be revised accordingly. The authority shall, within forty-five days, redefine the system and financing plan to reflect elimination of one or more counties, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to participate. This action shall be completed within forty-five days following receipt of the redefined plan.*

(8) *The authority shall place on the ballot within two years of the authority's formation, a single ballot proposition to authorize the imposition of taxes to support the implementation of an appropriate phase of the plan within its service area. In addition to the system plan requirements contained in RCW 81.104.100(2)(d), the system plan approved by the authority's board before the submittal of a proposition to the voters shall identify the system, and an estimate of the cost of that system, of which the phase is a component and also contain an equity element which:*

(a) *Identifies revenues anticipated to be generated by corridor and by county within the authority's boundaries;*

(b) *Identifies the phasing of construction and operation of high capacity system facilities, services, and benefits in each corridor. Phasing decisions should give priority to jurisdictions which have adopted transit-supportive land use plans; and*

(c) *Identifies the degree to which revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue.*

*A simple majority of those voting within the boundaries of the authority is required for approval. If the vote is affirmative, the authority shall begin implementation of the projects identified in the proposition. However, the authority may not submit any authorizing proposition for voter-approved taxes prior to July 1, 1993, nor a second proposition prior to February 1, 1996; nor may the authority issue bonds or form any local improvement district prior to ((July 1, 1993)) February 1, 1996.*

(9) *If the vote on a proposition fails, the board may redefine the proposition, make changes to the authority boundaries, and make corresponding changes to the composition of the board. If the composition of the board is changed, the participating counties shall revise the membership of the board accordingly. The board may then submit the revised proposition or a different proposition to the voters. No single proposition may be submitted to the voters more than twice. The authority may place additional propositions on the ballot to impose taxes to support additional phases of plan implementation.*

*If the authority is unable to achieve a positive vote on a proposition within two years from the date of the first election on a proposition, the board may, by resolution, reconstitute the authority as a single-county body. With a two-*

*thirds vote of the entire membership of the voting members, the board may also dissolve the authority.*

\*Sec. 557 was vetoed. See message at end of chapter.

NEW SECTION. **Sec. 558.** A new section is added to chapter 47.60 RCW to read as follows:

There is hereby established in the transportation fund the passenger ferry account. Money in the account shall be used for capital improvements for passenger ferry projects including, but not limited to, pedestrian and transit facilities at ferry terminals and passenger-only ferry vessels. Moneys in the account shall be expended with legislative appropriation.

*\*NEW SECTION. Sec. 559. Sections 539 through 556 of this act shall take effect the earlier of: (1) May 31, 1996, unless a high capacity transportation system plan, with funding, as authorized under RCW 81.104.140 is approved by a majority of the voters within the boundaries of a regional transit authority, authorized under chapter 81.112 RCW, by May 31, 1996, then sections 539 through 556 of this act shall not take effect; or (2) the last day of the month following the month in which a high capacity transportation system plan, with funding, as authorized under RCW 81.104.140 is rejected by a majority of the voters within the boundaries of a regional transit authority, authorized under chapter 81.112 RCW, after January 31, 1996.*

\*Sec. 559 was vetoed. See message at end of chapter.

*\*NEW SECTION. Sec. 560. Sections 537 through 558 of this act expire June 30, 1997.*

\*Sec. 560 was vetoed. See message at end of chapter.

NEW SECTION. **Sec. 561.** 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. 562.** (1) Except for sections 514 through 524 and 539 through 556 of this act, 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, 1995.

(2) Sections 514 through 524 of this act shall take effect January 1, 1996.

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**Ch. 14 WASHINGTON LAWS, 1995 2nd Sp. Sess.**

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Passed the House May 25, 1995.  
Passed the Senate May 25, 1995.  
Approved by the Governor June 16, 1995, with the exception of certain items which were vetoed.  
Filed in Office of Secretary of State June 15, 1995.

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

"I am returning herewith, without my approval as to sections 2(2); 105(2); 106 (lines 3-10); 107 (lines 14-18); 207(1); 207(2); 207(3); 207(4); 208(4); 217 (lines 26-27); 217 (lines 32-33); 217(17); 228(2); 228(4); 305; 504; 529; 531; 532; 537; 539; 540; 542-557; 559 and 560, Second Engrossed Substitute House Bill No. 2080 entitled:

"AN ACT Relating to transportation funding and appropriations;"

The provisions of Second Engrossed Substitute House Bill No. 2080 not meeting my approval are addressed as follows:

**Section 2(2), page 2, Transportation Appropriations**

This proviso states that legislation with a fiscal impact enacted in the 1995 session that is not assumed in this bill is not funded in the transportation budget. The language is ambiguous and I am concerned that this administrative restriction sets a bad precedent. Several bills could meet this criterion, including Substitute Senate Bill 5119, Cost-Of-Living Allowances For Retirement Purposes. Failure to veto this proviso could disrupt pension systems that are funded by the transportation agencies included in this budget bill.

**Section 105(2), page 4, Task Force on Office of Marine Safety**

This language requires the Legislative Transportation Committee to convene a task force to study the cost savings associated with the transfer of the Office of Marine Safety into the Department of Ecology, examine any funding shortfalls in the Oil Spill Administration Account, and evaluate ongoing oil spill planning and prevention needs. Because the legislature may conduct studies at any time without such specific direction, I am vetoing this subsection. However, I recognize that there is a significant problem with the revenues for the Oil Spill Administration Account.

Therefore, I am directing the Office of Financial Management, the Department of Revenue and the Department of Ecology to coordinate a study on oil spill funding, including the issue of the tax credits and whether current distribution of the nickel-per-barrel tax that funds the two oil spill accounts is adequate.

**Section 106, lines 3-10, page 5, Transfer to the Tort Claims Revolving Fund**

This proviso limits the transfer of transportation funds to the tort claim revolving fund only as claims are settled or adjudicated to final conclusion. Current law requires

that the tort claim revolving fund be used only to pay claims resulting from incidents on or before June 30, 1990. This change would return us to the administrative inefficiencies and costs associated with the "pay as you go" system for tort claims that was in place prior to 1990, adding a new layer of complication to an already complicated system. The reconciliation and reporting requirement would likely delay both settlement and judgment payments, and also could increase the cost of claims by requiring penalty interest payments. In addition, the state could lose an otherwise advantageous settlement opportunity if we are unable to meet time requirements on settlement demands. In order to limit administrative burdens, I will direct the Department of General Administration to transfer the amount specified in this proviso for motor vehicle and marine operating accounts into the tort claims revolving fund based on actuarial projections of claims settlements. The transfers shall be made quarterly into the tort claim revolving fund, or as necessary to meet cash flow needs.

**Section 107, lines 14-18, page 5, State Parks and Recreation Commission - Operating Maintenance**

This proviso limits expenditure of state funds by the State Parks and Recreation Commission for maintenance, repair, or snow and ice removal on county or private roads. I believe the intent was to limit the \$927,000 motor vehicle fund appropriation in this section. However, the way the section is written allows for much broader interpretation. I am concerned that this proviso could restrict expenditure of any funds appropriated to the Parks Commission to maintain county or private roads. The Commission often signs mutually beneficial agreements with cities and counties for snow removal or road maintenance, which allows the Commission to remove snow or maintain a limited portion of city or county roads. Such agreements may save taxpayer dollars in such instances as providing access to Snow Parks for snowmobile riders and cross country skiers. The Commission needs to maintain the flexibility to make such beneficial decisions.

**Section 207(1) and 207(2), page 9, Transportation Commission Work Days**

This proviso limits Washington State Transportation Commission members to seven working days per month and limits the Commission Chairperson to 9.5 working days per month. In addition, the total appropriation for Commission member work days is limited to \$45,000 in fiscal year 1997, which further reduces member working days to only five days per month. This type of limitation on state boards is unprecedented and will hinder statewide coordination of transportation issues.

The Transportation Commission is a class four board as defined by RCW 43.03.250. The Commission has rule-making authority, performs quasi-judicial functions, and is responsible for the administration, budget, and policy direction of a major state department. These duties are sensitive and vital to the operation of the state and place a significant demand on each member's time - usually in excess of 100 hours per year. Commission members should not be limited to a specified number of work days to carry out their duties as long as their overall operating budget expenditures are within the appropriation level provided.

**Section 207(3), page 9, Transportation Commission Studies**

This proviso prohibits the Washington State Transportation Commission from conducting studies or hiring consultants without prior approval from the Legislative Transportation Committee. This represents an unprecedented attempt by the legislature to exercise ongoing management control over an executive branch function. The legislature has already reduced the agency's budget 42 percent from 1993-95 levels. As long as the Commission stays within its available appropriation, Legislative approval on individual expenditures is unnecessary.

**Section 207(4), page 9, Transportation Commission Meetings Outside the State**

This proviso will prohibit the Washington State Transportation Commission from holding meetings outside of the state. It is overly restrictive and unnecessary. Although I have ordered state employees to limit their out-of-state travel, I support the Transportation Commission's leadership role in statewide and regional transportation issues. Our transportation needs do not end at the state's borders. Transportation Commission members must have the flexibility to meet with policy makers from such places as Oregon, Idaho and British Columbia, as long as travel costs remain within the agency's total budget.

**Section 208(4), page 10, Selling and Purchase of State Patrol Aircraft**

This proviso to the Washington State Patrol appropriation forbids the sale and purchase of aircraft pending a Legislative Transportation Commission study of the statewide air fleet and the feasibility of consolidation. This proviso unnecessarily delays and reduces savings to the state that would occur from the sale of the State Patrol jet. Further, the proviso does not set forth a date for completion of the study. This lack of certainty could indefinitely prohibit the Patrol from buying and selling aircraft, which impinges on appropriate executive administrative responsibilities.

The legislature had sufficient time during the regular session and two special sessions to study the merits of selling the State Patrol jet. Taxpayers should not have to pay extra for equipment that exceeds the requirements of the agency. I take this action today because the longer we delay, the less we stand to save.

**Section 217, lines 26-27 and lines 32-33, page 14, Highway Improvements**

**Section 217(17), page 19, Highway Improvements - HOV Lanes**

**Section 531, pages 62-64, and Section 532, page 64, Funding Sources for HOV Lanes**

These provisions dedicate an appropriation of High Capacity Transportation Account and Central Puget Sound Public Transportation Account revenues for high occupancy vehicle (HOV) lane construction projects. The two accounts were created for high capacity transportation programs provided by local transit agencies and should not be transferred for any other use.

**Section 228(2), page 31, Federal Enhancement Grants**

This subsection designates federal enhancement grants for abandoned freight rail corridors and improvements to the King Street Station in Seattle. Identifying specific projects in the appropriation bill circumvents an established public review and citizen-involved project selection process based on regional priorities. When the Intermodal Surface Transportation Efficiency Act (ISTEA) passed in 1991, local and state jurisdictions in Washington mutually agreed upon a procedure for project prioritization and selection for this federal funding source. This process has been successfully in place since that time. With this proviso, the enhancement project selection process is sidestepped - contrary to the spirit of ISTEA. A veto of this language gives the project selection authority back to the committee that has already approved and prioritized a list of eligible projects for the 1995-97 biennium.

The funding provided in section 228(2) remains appropriated to the Department of Transportation, the pass-through agency for grants awarded by the Enhancement Selection Committee, as they deem appropriate.

**Section 228(4), page 31, Transportation Related Studies**

This proviso lists several studies selected by the Legislature costing \$1,430,000. The funding source used in this section is dedicated by statute for statewide studies that mutually benefit cities, counties and the Department of Transportation. This year, for the first time, the three jurisdictions had no say in how this money would be spent.

In addition, the proviso specifies \$750,000 for a regional mobility alternative plan related to the Regional Transportation Authority (RTA). This is not an appropriate

expenditure of these funds and is not necessary since the Puget Sound Regional Council approved its 1995 Update to VISION 2020 and the 1995 Metropolitan Transportation Plan as required by the federal Intermodal Surface Transportation Efficiency Act.

I have directed the Department of Transportation to place the \$1,430,000 in unallotted reserve. At the end of the biennium, the funds shall be refunded to the individual jurisdictions as provided by RCW 46.68.110(2) and RCW 46.68.120(3).

#### Section 305, page 37, General Administration — Capital

This section appropriates \$2.5 million motor vehicle account appropriation to cover the Department of Transportation's share of the cost of repairing the plaza garage. However, this amount can only be spent if the capital budget provides \$1.7 million to the Department of General Administration for elevator and escalator repairs in the transportation building. The 1995-97 capital budget does not include such an appropriation; therefore this condition cannot be met, leaving the \$2.5 million for repairing the plaza garage unavailable. Completing structural and other improvements to the plaza garage, including the area commonly known as the DOT garage, is an important project and design work must begin immediately. Therefore, I have asked the Office of Financial Management and the Department of General Administration to work with the Department of Transportation, the Legislative Transportation Committee, the House Capital Budget Committee and the Senate Ways and Means Committee to identify an affordable approach to resolving the safety concerns in all garage areas, and to address accessibility concerns in the transportation building.

#### Section 504, page 45, Consolidation of Financial Functions

This proviso calls for a study of the feasibility of combining the financial accounting systems for the Department of Transportation, the Transportation Improvement Board and the County Road Administration Board. I see no advantage in performing this study unless the work is done by an independent consultant or another non-transportation agency. Since funding was not provided for an independent study, and the financial systems in place for all three agencies appear to function adequately, this study is not necessary.

#### Section 529, page 57-61, Passenger Ferry Account

This proviso removes Kitsap County from the high capacity transit tax authority of the Regional Transportation Authority. It is identical to Section 538 of this legislation and is therefore unnecessary.

#### Sections 537, 539, 540, 542-557, 559 and 560 Regional Transportation Authority

These sections repeal the Regional Transportation Authority (RTA) and amend substantive portions of the High Capacity Transportation Act of 1990 (RCW 81.104) and the RTA enabling legislation (RCW 81.112). Such a significant shift in state policy in resolving the mobility problems in the central Puget Sound region must be done prudently in a bill directly dealing with this issue, and after thorough consideration of the long-range implications.

I also believe it is premature at this point to change the structure of the regional authority. I am concerned that the RTA be given sufficient time and funds to continue its mandated tasks and that voters be given an opportunity to review a revised regional transportation plan. Rather than a repeal of the RTA, I urge the RTA to work with the Department of Transportation, the Legislative Transportation Committee, counties, cities and transit districts in the area to develop a viable proposal. Should future revision of RTA responsibilities, structure and authority of these agencies be necessary, specific legislation should be introduced to accomplish the agreed-upon changes.

For these reasons, I have vetoed sections 2(2); 105(2); 106 (lines 3-10); 107 (lines 14-18); 207(1); 207(2); 207(3); 207(4); 208(4); 217 (lines 26-27); 217 (lines 32-33);

217(17); 228(2); 228(4); 305; 504; 529; 531; 532; 537; 539; 540; 542-557; 559 and 560 of Second Engrossed Substitute House Bill No. 2080.

With the exception of sections 2(2); 105(2); 106 (lines 3-10); 107 (lines 14-18); 207(1); 207(2), 207(3); 207(4); 208(4); 217 (lines 26-27); 217 (lines 32-33); 217(17); 228(2); 228(4); 305; 504; 529; 531; 532; 537; 539; 540; 542-557; 559 and 560, Second Engrossed Substitute House Bill No. 2080 is approved."

## CHAPTER 15

[Substitute Senate Bill 5364]

### TRANSPORTATION BONDS

AN ACT Relating to transportation bonds; amending RCW 47.10.834, 47.10.836, 47.10.837, 47.10.838, 47.10.839, and 47.10.841; amending 1994 c 183 s 1 (uncodified); repealing RCW 47.10.840; and declaring an emergency.

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

**Sec. 1.** 1994 c 183 s 1 (uncodified) is amended to read as follows:

The legislature finds and declares:

Successful implementation of the public-private transportation initiatives program authorized in chapter 47.46 RCW may require the financial participation of the state in projects authorized in that chapter.

The participation may take the form of loans, loan guarantees, user charge guarantees, including incidental costs incurred by the department in direct support of activities required under chapter 47.46 RCW, or such other cash contribution arrangements as may improve the ability of the private entities sponsoring the projects to obtain financing.

It is in the best interests of the people of the state that state funding of possible financial participation in the projects authorized under chapter 47.46 RCW be in the form of long-term bonds. In order to repay expenditures incurred in the 1993-1995 biennium, up to two million two hundred thousand dollars of these bonds may be expended on highway improvement projects, under chapter 47.05 RCW.

**Sec. 2.** RCW 47.10.834 and 1994 c 183 s 2 are each amended to read as follows:

In order to provide funds necessary to implement the public-private transportation initiatives authorized by chapter 47.46 RCW, there shall be issued and sold upon the request of the Washington state transportation commission a total of twenty-five million six hundred twenty-five thousand dollars of general obligation bonds of the state of Washington.

**Sec. 3.** RCW 47.10.836 and 1994 c 183 s 4 are each amended to read as follows:

(1) The proceeds from the sale of bonds authorized by RCW 47.10.834 through 47.10.841 that are in support of possible loans as specified under RCW 47.10.835 shall be deposited into the ~~((transportation revolving loan account, hereby created, in the transportation))~~ motor vehicle fund. The proceeds shall be available only for the purposes of making loans to entities authorized to



undertake projects selected under chapter 47.46 RCW as enumerated in RCW 47.10.835, including incidental costs incurred by the department in direct support of activities required under chapter 47.46 RCW, for the payment of bond anticipation notes, if any, and for the payment of bond issuance costs, including the costs of underwriting.

(2) The proceeds from the sale of bonds authorized by RCW 47.10.834 through 47.10.841 that are in support of all forms of cash contributions to projects selected under chapter 47.46 RCW, including incidental costs incurred by the department in direct support of activities required under chapter 47.46 RCW, except loans shall be deposited into the ~~((transportation))~~ motor vehicle fund. The proceeds shall be available only for the purposes of making any contributions except loans to projects selected under chapter 47.46 RCW, for the payment of bond anticipation notes, if any, and for the payment of bond issuance costs, including the costs of underwriting.

(3) Up to two million two hundred thousand dollars of the proceeds from the sale of bonds authorized by RCW 47.10.834 through 47.10.841 may be expended on highway improvement projects under chapter 47.05 RCW and for the payment of bond issuance cost, including the cost of underwriting. Such proceeds shall be deposited into the motor vehicle fund.

**Sec. 4.** RCW 47.10.837 and 1994 c 183 s 5 are each amended to read as follows:

Principal and interest payments made on loans ~~((from the transportation loan revolving account as))~~ authorized by chapter 47.46 RCW shall be deposited into the ~~((transportation loan revolving account))~~ motor vehicle fund and shall be available for the payment of principal and interest on bonds authorized by RCW 47.10.834 through 47.10.841 and for such other purposes as may be specified by law.

**Sec. 5.** RCW 47.10.838 and 1994 c 183 s 6 are each amended to read as follows:

(1) Bonds issued under the authority of RCW 47.10.834 through 47.10.841 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.

(2) The principal and interest on the bonds issued for the purposes enumerated in RCW 47.10.836 shall be first payable in the manner provided in RCW 47.10.834 through 47.10.841 from the proceeds of the state excise ~~((tax on motor vehicles imposed by RCW 82.44.020(2)))~~ taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. Proceeds of those excise taxes are pledged to the payment of any bonds and the interest thereon issued under the authority of RCW 47.10.834 through 47.10.841, and the legislature agrees to continue to impose ~~((this))~~ these excise ~~((tax))~~ taxes on motor vehicle~~((s))~~ and special fuels in amounts sufficient to pay, when due, the

principal and interest on all bonds issued under the authority of RCW 47.10.834 through 47.10.841.

**Sec. 6.** RCW 47.10.839 and 1994 c 183 s 7 are each amended to read as follows:

(1) Both principal and interest on the bonds issued for the purposes of RCW 47.10.834 through 47.10.841 are 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.))~~

(2) 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 issued for the purposes specified in RCW 47.10.836 in accordance with the bond proceedings. The state treasurer shall withdraw revenues from the ~~((transportation))~~ motor vehicle fund and deposit into 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.

(3) Any funds required for bond retirement or interest on the bonds authorized by RCW 47.10.834 through 47.10.841 shall be taken from that portion of the ~~((transportation))~~ motor vehicle fund that results from the imposition of excise taxes on motor vehicle ~~((s))~~ and special fuels which is, or may be appropriated to the department of transportation for state highway purposes. Funds required shall never constitute a charge against any other allocations of motor vehicle ~~((excise))~~ fuel and special fuel tax revenues to the state, counties, cities, or towns ~~((, and transit agencies))~~ unless the amount arising from excise taxes on motor vehicle ~~((s))~~ and special fuels distributed to the state in the ~~((transportation))~~ motor vehicle fund proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

(4) Any payments for bond retirement or interest on the bonds taken from other revenues from the motor vehicle ~~((excise))~~ fuel and special fuel taxes that are distributable to the state, counties, cities, or towns ~~((, and transit agencies))~~ shall be repaid from the first revenues from the motor vehicle ~~((excise))~~ fuel or special fuel taxes distributed to the ~~((transportation))~~ motor vehicle fund not required for bond retirement or interest on the bonds.

**Sec. 7.** RCW 47.10.841 and 1994 c 183 s 9 are each amended to read as follows:

Bonds issued under the authority of RCW 47.10.834 through ~~((47.10.840))~~ 47.10.839 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 ~~((excise))~~ and special fuels taxes for the payment of principal and interest thereon are an equal charge against the revenues from the motor vehicle and special fuels excise taxes.

**NEW SECTION.** **Sec. 8.** RCW 47.10.840 and 1994 c 183 s 8 are each repealed.

**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 May 24, 1995.

Passed the House May 24, 1995.

Approved by the Governor June 16, 1995.

Filed in Office of Secretary of State June 15, 1995.

## CHAPTER 16

[Second Engrossed Substitute House Bill 1070]

### CAPITAL BUDGET 1995-1997

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; creating new sections; and declaring an emergency.

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

**NEW SECTION.** Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1997, out of the several funds specified in this act.

**NEW SECTION.** Sec. 2. As used in this act, the following phrases have the following meanings:

"Aquatic Lands Acct" means the Aquatic Lands Enhancement Account;

"Cap Bldg Constr Acct" means Capitol Building Construction Account;

"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, design, engineering, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;

"Common School Constr Fund" means Common School Construction Fund;

"Common School Reimb Constr Acct" means Common School Reimbursable Construction Account;

"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;

"Data Proc Rev Acct" means Data Processing Revolving Account;

"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;

"For Dev Acct" means Forest Development Account;

- "Res Mgmt Cost Acct" means Resource Management Cost Account;
- "Game Spec Wildlife Acct" means Game Special Wildlife Account;
- "H Ed Constr Acct" means Higher Education Construction Account 1979;
- "H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;
- "LIRA" means State and Local Improvement Revolving Account;
- "LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account—Waste Disposal Facilities 1980;
- "LIRA, Water Sup Fac" means State and Local Improvements Revolving Account—Water supply facilities;
- "Lapse" or "revert" means the amount shall return to an unappropriated status;
- "Nat Res Prop Repl Acct" means Natural Resources Property Replacement Account;
- "NOVA" means the Nonhighway and Off-Road Vehicle Activities Program Account;
- "ORA" means Outdoor Recreation Account;
- "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse;
- "Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;
- "Public Safety and Education Acct" means Public Safety and Education Account;
- "Public Safety Reimb Bond" means Public Safety Reimbursable Bond Account;
- "Rec Fisheries Enh Acct" means Recreational Fisheries Enhancement Account;
- "St Conv & Trade Ctr Acct" means State Convention and Trade Center Account;
- "St Bldg Constr Acct" means State Building 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;
- "Thoroughbred Racing Acct" means Washington Thoroughbred Racing Account;
- "Thurston County Cap Fac Acct" means Thurston County Capital Facilities Account;
- "UW Bldg Acct" means University of Washington Building Account;
- "WA Housing Trust Acct" means Washington Housing Trust Account;
- "WA St Dev Loan Acct" means Washington State Development Loan Account;

"Water Pollution Cont Rev Fund" means Water Pollution Control Revolving Fund;

"WSU Bldg Acct" means Washington State University Building Account;

"WWU Cap Proj Acct" means Western Washington University Capital Projects Account.

Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

**PART 1**

**GENERAL GOVERNMENT**

**NEW SECTION. Sec. 101. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Northwest Washington Regional Archives: Construction (90-1-003)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	3,970
Prior Biennia (Expenditures) . . . . .	\$	128,341
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>132,311</b>

**NEW SECTION. Sec. 102. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Central Washington Regional Archives—Central Washington University Campus (93-2-001)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	434,000
Prior Biennia (Expenditures) . . . . .	\$	3,500,000
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>3,934,000</b>

**NEW SECTION. Sec. 103. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Essential Records Storage Site—Asbestos survey and abatement (94-1-002)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	50,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>50,000</b>

**NEW SECTION. Sec. 104. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Eastern Washington Branch Archives: Predesign (94-2-002)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	6,200
Prior Biennia (Expenditures) . . . . .	\$	52,000
Future Biennia (Projected Costs) . . . . .	\$	4,540,612
TOTAL . . . . .	\$	4,598,812

**NEW SECTION. Sec. 105. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Puget Sound Branch Archives—Building design and construction (94-2-003)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	6,700,125
Prior Biennia (Expenditures) . . . . .	\$	40,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	6,740,125

**NEW SECTION. Sec. 106. FOR THE OFFICE OF THE SECRETARY OF STATE**

**Puget Sound Branch—Building "C" asbestos abatement and demolition (96-1-001)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	125,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	125,000

**NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Community economic revitalization (86-1-001)**

**Reappropriation:**

Public Works Assistance Acct—State . .	\$	3,321,298
Pub Fac Constr Loan Rev Acct—State	\$	3,862,729
St Bldg Constr Acct—State . . . . .	\$	2,106,034
Subtotal Reappropriation . . . . .	\$	9,290,061

**Appropriation:**

Pub Fac Constr Loan Rev Acct—State	\$	1,500,000
Public Works Assistance Acct—State . .	\$	4,000,000
Subtotal Appropriation . . . . .	\$	5,500,000

Prior Biennia (Expenditures) . . . . .	\$	7,026,937
Future Biennia (Projected Costs) . . . . .	\$	<u>24,000,000</u>
TOTAL . . . . .	\$	45,816,998

**NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Development loan fund (88-2-002)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	2,000,000
Wa St Dev Loan Acct—Federal . . . . .	\$	<u>186,654</u>
Subtotal Reappropriation . . . . .	\$	2,186,654

**Appropriation:**

Wa St Dev Loan Acct—Federal . . . . .	\$	3,500,000
Prior Biennia (Expenditures) . . . . .	\$	593,293
Future Biennia (Projected Costs) . . . . .	\$	<u>20,000,000</u>
TOTAL . . . . .	\$	31,619,589

**NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Grays Harbor dredging (88-3-006)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(2) Expenditure of moneys from this reappropriation is contingent on the authorization of \$40,000,000 and an initial appropriation of at least \$13,000,000 from the United States army corps of engineers and the authorization of at least \$10,000,000 from the local government for the project. Up to \$3,500,000 of the local government contribution for the first year on the project may be composed of property, easements, rent adjustments, and other expenditures specifically for the purposes of this appropriation if approved by the army corps of engineers. State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(3) Expenditure of moneys from this reappropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act.

(4) The port of Grays Harbor shall make the best possible effort to acquire additional project funding from nonstate public grants and/or other governmental sources other than those in subsection (2) of this section. Any money, up to

\$10,000,000 provided from such sources other than those in subsection (2) of this section, shall be used to reimburse or replace state building construction account money. In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state.

**Reappropriation:**

St Bidg Constr Acct—State . . . . .	\$	5,788,144
Prior Biennia (Expenditures) . . . . .	\$	4,211,856
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	10,000,000

**NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Housing assistance, weatherization, and affordable housing program (88-5-015)**

The appropriation in this section is subject to the following conditions and limitations: \$1,500,000 of the reappropriation from the state building and construction account, \$2,000,000 of the reappropriation from the charitable, educational, penal, and reformatory institutions account, and \$2,000,000 of the appropriation from the state building and construction account are provided solely for development of at least 367 safe and affordable housing units for persons eligible for services from the division of developmental disabilities in the department of social and health services. The housing assistance program shall implement this initiative in coordination with the managed care initiative developed by the division of developmental disabilities in accordance with the 1995-97 operating budget.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	33,214,000
CEP & RI Acct—State . . . . .	\$	2,830,959
Subtotal Reappropriation . . . . .	\$	36,044,959

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	47,800,000
WA Housing Trust Acct . . . . .	\$	2,200,000
Subtotal Appropriation . . . . .	\$	50,000,000
Prior Biennia (Expenditures) . . . . .	\$	77,601,500
Future Biennia (Projected Costs) . . . . .	\$	100,000,000
TOTAL . . . . .	\$	263,646,451

**NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**A Contemporary Theatre (ACT)—Seattle (90-1-006)**



This reappropriation is provided solely for the construction or renovation of a new theater in Seattle. If the project funded from the reappropriation in this section is not substantially complete by December 31, 1996, the reappropriation shall lapse.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	914,696
Prior Biennia (Expenditures) . . . . .	\$	85,031
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	999,727

**NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Seattle Center redevelopment:** For upgrading the Coliseum, including engineering and other studies to determine renovation alternatives for the Coliseum, the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high-priority building systems; and making general improvements to the site, including but not limited to signs, fountains, portable stages and fencing (92-1-019)

The reappropriation in this section shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	2,735,637
Prior Biennia (Expenditures) . . . . .	\$	5,764,364
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	8,500,001

**NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Yakima criminal justice facility:** For a grant to the city of Yakima for the construction of a new criminal justice facility (92-2-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Before receiving the grant, the city shall demonstrate to the satisfaction of the department an ability to complete the construction of the facility and fund its operation.

(2) The grant may not exceed sixty-six percent of the total project capital costs as determined by the department. The remaining portion of project capital costs shall be a match provided from nonstate sources.

(3) If the project funded from the reappropriation in this section is not substantially complete by December 30, 1996, the reappropriation shall lapse.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	2,991,000
Prior Biennia (Expenditures) . . . . .	\$	9,000
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	3,000,000

**NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**7th Street Theatre (90-2-008)**

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall be matched by at least \$200,000 from nonstate sources. The match may include cash or in-kind contributions. If the project funded from the reappropriation in this section is not substantially complete by December 30, 1996, the reappropriation shall lapse.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	150,000
Prior Biennia (Expenditures) . . . . .	\$	250,000
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	400,000

**NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Minor works: Emergency Management Building (92-2-009)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	62,263
Prior Biennia (Expenditures) . . . . .	\$	223,737
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	286,000

**NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Snohomish County drainage:** To purchase land in drainage district number 6 and construct a cross-levee on it, in order to decrease damaging flooding of adjacent lands and to reestablish wetlands (92-2-011)

The reappropriation in this section shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	348,950
Prior Biennia (Expenditures) . . . . .	\$	1,050

Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	350,000

**NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Resource Center for the Handicapped:** To acquire and improve the facilities in which the center currently operates (92-5-000)

The reappropriation in this section is subject to the following conditions and limitations: Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from nonstate sources expended for the same purposes. The matching money may include lease-purchase payments made by the center prior to May 28, 1993.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	407,203
Prior Biennia (Expenditures) . . . . .	\$	792,797
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	1,200,000

**NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Washington Technology Center laboratories (92-5-001)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	1,262,945
Prior Biennia (Expenditures) . . . . .	\$	1,419,658
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	2,682,603

**NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Columbia River dredging feasibility:** For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver (92-5-006)

Expenditure of this reappropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose. If the project funded from the reappropriation in this section is not substantially complete by June 30, 1997, the reappropriation shall lapse.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	598,200
Prior Biennia (Expenditures) . . . . .	\$	1,800
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	600,000

**NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Building for the arts:** For grants to local performing arts and art museum organizations for facility improvements or additions (92-5-100)

The appropriations in this section are subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

<b>Phase 1</b>	<b>Estimated Total Capital Cost</b>
Seattle Children's Theatre	\$ 8,000,000
Admiral Theatre (Bremerton)	\$ 4,261,000
Pacific Northwest Ballet	\$ 7,500,000
Seattle Symphony	\$ 54,000,000
Seattle Repertory Theatre (Phase 1)	\$ 4,000,000
Broadway Theatre District (Tacoma)	\$ 11,800,000
Allied Arts of Yakima	\$ 500,000
Spokane Art School	\$ 454,000
Seattle Art Museum	\$ 4,862,500
<b>Total</b>	<b>\$ 95,377,500</b>
<b>Phase 2</b>	<b>Estimated Total Capital Cost</b>
Bainbridge Performing Arts Center	\$ 1,200,000
The Children's Museum	\$ 2,850,000
Everett Community Theatre	\$ 12,119,063
Kirkland Center for the Performing Arts	\$ 2,500,000
Makah Cultural and Research Center	\$ 1,600,000
Mount Baker Theatre Center	\$ 1,581,000
Seattle Group Theatre	\$ 334,751
Seattle Opera Association	\$ 985,000
Seattle Repertory Theatre (Phase 2)	\$ 4,000,000
Valley Museum of Northwest Art	\$ 1,100,000
Village Theatre	\$ 6,000,000
Tacoma Little Theatre	\$ 1,250,000

The Washington Center for the Performing Arts	\$ 400,000
Whidbey Island Center for the Arts	\$ <u>1,200,000</u>
Total	\$ 37,119,814

Phase 3	Estimated Total Capital Cost
ACT Theatre	\$ 28,100,000
Corbin Art Theater (Spokane)	\$ 69,055
Cutter Theater	\$ 725,511
Depot Arts Center (Anacortes)	\$ 68,000
Little Theater (Walla Walla)	\$ 100,000
Meadow for the Arts (Gig Harbor)	\$ 2,550,000
New City Theater	\$ 281,000
Northwest Puppet Theater	\$ 413,300
Paramount Theater	\$ 14,705,262
Rainier Valley Cultural Center	\$ 600,000
Seattle Children's Theater	\$ 3,200,000
Steilacoom Cultural Center	\$ 65,000
Meyendenhauer Theater	\$ 2,400,000
Tu-Ha-Buts Cultural Center	\$ 777,405
Vancouver Arts School	\$ 8,549,313
World Kite Museum	\$ 900,000
Clallam County Gallery	\$ 174,314
Columbia Theater	\$ <u>500,000</u>
Total	\$ 64,178,160

(2) The state grant may provide no more than fifteen percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value.

(3) State funding shall be distributed to projects in the order in which matching requirements have been met.

(4) The department shall submit a list of recommended performing arts, museum, and cultural organization projects for funding in the 1997-99 capital budget. The list shall result from a competitive grants program developed by the department based upon: Uniform criteria for the selection of projects and awarding of grants for up to fifteen percent of the total project cost; local community support for the project; a requirement that the sites for the projects

are secured or optioned for purchase; and a state-wide geographic distribution of projects.

(5) The reappropriation and new appropriation in this section are provided to fund the state share for phase 1, 2, and 3 of the building for the arts program. Within this amount the department may fund projects that demonstrate adequate progress and have secured the necessary match funding. The department may require that projects recompile for funding.

(6) No single project shall exceed \$4,500,000 unless there are uncommitted funds from the appropriations in this section after January 1, 1997. Nothing in this subsection (6) prevents the department from submitting a request for an increased state share of any project subject to this limitation in the department's 1997-99 capital budget request.

(7) The department is authorized to allocate the amounts appropriated in this section among the eligible projects in phases 1, 2, 3 and to set matching requirements for individual projects.

(8) By December 15, 1995, the department shall submit a report to the appropriate fiscal committees of the legislature on the progress of the building for the arts program, including a list of projects funded under this section.

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 8,000,000

**Appropriation:**

St Bldg Constr Acct—State . . . . . \$ 3,000,000

Prior Biennia (Expenditures) . . . . . \$ 9,209,986

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 20,209,986

**NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Columhla Gorge Interpretive Center (92-5-101)**

The reappropriation in this section shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 1,000,886

Prior Biennia (Expenditures) . . . . . \$ 3,999,114

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 5,000,000

**NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Tri-Cities Trade Center (93-5-003)**

The appropriations in this section may be used only for capital development of an arena multi-purpose facility and adjacent recreation space in the city of

Pasco. These appropriations shall be matched by at least \$2,800,000 provided from nonstate sources.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	2,527,385
Prior Biennia (Expenditures) . . . . .	\$	272,615
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	2,800,000

**NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Martin Luther King Jr. Memorial (93-5-005)**

Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from other sources expended for the same purpose.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	95,450
Prior Biennia (Expenditures) . . . . .	\$	4,550
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	100,000

**NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Challenger Learning Center (93-5-006)**

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is provided solely for support of science education at the Challenger learning center at the museum of flight; and
- (2) Each dollar expended from the appropriation in this section shall be matched by at least one dollar from nonstate sources for the same purpose.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	322,908
Prior Biennia (Expenditures) . . . . .	\$	477,092
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	800,000

**NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Emergency Management Building: Preservation (94-1-018)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	71,759
Prior Biennia (Expenditures) . . . . .	\$	13,325
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . . \$ 85,084

**NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Public works trust fund loans (94-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

Up to \$20,000,000 of the new appropriation may be used for preconstruction activity loans under chapter 363, Laws of 1995.

**Reappropriation:**

Public Works Assistance Acct—State . . \$ 105,699,689

**Appropriation:**

Public Works Assistance Acct—State . . \$ 148,900,000

Prior Biennia (Expenditures) . . . . . \$ 151,561,725

Future Biennia (Projected Costs) . . . . . \$ 695,900,000

TOTAL . . . . . \$1,102,061,414

**NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Washington Technology Center: Equipment (94-2-002)**

The reappropriation in this section is provided solely for equipment installations on the first floor of Fluke Hall. The appropriation shall be transferred to and administered by the University of Washington.

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 947,785

Prior Biennia (Expenditures) . . . . . \$ 32,215

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 980,000

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Bigelow House:** For restoration and renovation of this historic home to accommodate public visitors (94-2-004)

The reappropriation in this section is contingent on the project being owned and operated by a public or nonprofit organization.

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 298,923

Prior Biennia (Expenditures) . . . . . \$ 9,077

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 308,000



**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Olympic Peninsula Natural History Museum (94-2-005)**

The appropriation in this section is subject to the following conditions and limitations:

(1) Each two dollars expended from this reappropriation shall be matched by at least one dollar from other sources. The match may include cash, land, and in-kind donations.

(2) It is the intent of the legislature that this reappropriation represents a one-time grant for this project.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	300,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	300,000

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Thorp Grist Mill:** To develop the ice pond park and provide facilities to accommodate public access (94-2-007)

The reappropriation in this section shall be matched by at least \$100,000 from nonstate and nonfederal sources. The match may include cash or in-kind contributions. The department shall assist the Thorp Mill Town Historical Preservation Society in soliciting moneys from the intermodal surface transportation efficiency act to support the project.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	100,000
Prior Biennia (Expenditures) . . . . .	\$	30,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	130,000

**NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Camp North Bend Environmental Center:** For restoration of the historic Camp North Bend (Camp Waskowitz) owned and operated by the Highline school district as an environmental education center (94-2-008)

The reappropriation in this section shall be matched by \$100,000 provided from nonstate sources for capital costs of this project.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	200,000
Prior Biennia (Expenditures) . . . . .	\$	0

Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	200,000

**NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Boren Field repairs:** To provide financial assistance to the Seattle school district for repairs to Boren Field (94-2-011)

The reappropriation in this section shall be matched by at least \$50,000 from nonstate sources.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	275,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	275,000

**NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Camelot community flooding assistance:** To provide financial assistance to King county to relieve flooding in the Camelot community (94-2-012)

The reappropriation in this section is subject to the following conditions and limitations: Each dollar expended from the reappropriation shall be matched by at least five dollars from nonstate sources for the same purpose.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	75,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	75,000

**NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Daybreak Star Center: Remodel (94-2-100)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	88,484
Prior Biennia (Expenditures) . . . . .	\$	138,516
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	227,000

**NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Pacific Science Center (96-1-900)**

The appropriation in this section is provided for capital facilities improvements.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	4,000,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	4,000,000

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Timber ports capital asset improvements:** To assist the ports of Grays Harbor, Port Angeles, and Longview with infrastructure development and facilities improvements to increase economic diversity and enhance employment opportunities (94-2-102)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Each port shall provide, at a minimum, six dollars of nonstate match for each five dollars received from this reappropriation. The match may include cash and land value.

(2) State assistance to each port shall not exceed the following amounts:

<u>Port</u>	<u>Amount</u>
Port of Grays Harbor	\$ 564,000
Port of Port Angeles	\$ 1,500,000
Port of Longview	\$ 1,855,000

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	3,281,019
Prior Biennia (Expenditures) . . . . .	\$	618,981
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	3,900,000

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Community Action Agencies:** For grants to nonprofit community action agencies to assist in acquiring, developing, or rehabilitating buildings for the purpose of providing community-based family services under RCW 43.63A.115

The appropriation in this section is subject to the following conditions and limitations:

(1) The state grant may provide no more than twenty-five percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash, land value, and other in-kind contributions;

(2) State funding shall be distributed to projects in the order in which matching requirements for specific project phases have been met; and

(3) The following projects are eligible for funding:

	Estimated Total Capital Cost	State Grant
Benton Franklin Community Action Committee	\$ 1,200,000	\$ 300,000
Central Area Motivation Project	\$ 1,000,000	\$ 250,000
Community Action Center of Whitman County	\$ 390,000	\$ 90,000
Community Action Council of Lewis, Mason, and Thurston Counties	\$ 700,000	\$ 175,000
El Centro de la Raza	\$ 1,250,000	\$ 300,000
Fremont Public Association	\$ 3,000,000	\$ 600,000
Kitsap Community Action Program	\$ 465,000	\$ 110,000
Kittitas Community Action Council	\$ 600,000	\$ 150,000
Lower Columbia Community Action Council	\$ 1,331,625	\$ 300,000
Metropolitan Development Council	\$ 880,000	\$ 220,000
Multiservice Centers of North and East King County	\$ 1,600,000	\$ 350,000
Northeast Washington Rural Resources Development Association	\$ 1,200,000	\$ 350,000
Okanogan County Community Action Council	\$ 350,000	\$ 80,000
South King County Multiservice Center	\$ 800,000	\$ 200,000
Spokane Neighborhood Action Programs	\$ 1,500,000	\$ 375,000
Yakima Valley Farmworker Clinic	\$ 605,000	\$ 150,000
<b>Total</b>	<u>\$ 16,871,625</u>	<u>\$ 4,000,000</u>

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$ 4,000,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	<u>\$ 0</u>
<b>TOTAL . . . . .</b>	<b>\$ 4,000,000</b>

**NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Juvenile detention facilities:** For financial assistance to local governments to build or expand juvenile detention facilities

Individual counties or consortiums of counties are eligible to make specific requests for loan authorizations under chapter 39.94 RCW for assistance in the construction or expansion of local juvenile detention centers. If such loans are authorized by the legislature, the participating counties shall be primarily and directly liable for the payments under the financing contract for the project and the office of the state treasurer shall be limited to a contingent obligation under the financing contract. In the event of any deficiency of payments by any of the participating counties under the financing contract, the office of the state treasurer is directed to withdraw from that county's share of state revenues for distribution an amount sufficient to fulfill the terms and conditions of the contract authorized under this section.

**NEW SECTION. Sec. 139. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Collocated Cascadia Community College and University of Washington Branch Campus (94-1-003)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided to acquire property, design, and construct a new branch campus to meet the higher education needs of the north King and south Snohomish county area;

(2) The location of the property to be acquired for the new collocated campus shall be determined by the higher education coordinating board. The higher education coordinating board shall acquire a site contingent upon a satisfactory site selection environmental impact statement, any necessary environmental permits, and fiscal approval by the office of financial management;

(3) The moneys provided in this section may be allocated to the appropriate institution or institutions or fiscal agency as specified in the joint-operating agreement as approved by the higher education coordinating board; and

(4) The appropriation in this section is subject to the review and allotment procedures under sections 813 and 815 of this act.

**Reappropriation:**

St Bidg Constr Acct—State . . . . . \$ 14,500,000

**Appropriation:**

St Bidg Constr Acct—State . . . . . \$ 5,000,000

Prior Biennia (Expenditures) . . . . . \$ 10,710,000

Future Biennia (Projected Costs) . . . . . \$ 75,000,000

TOTAL . . . . . \$ 105,210,000

**NEW SECTION. Sec. 140. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Underground storage tank: Pool (96-1-001)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for removal, replacement, and environmental cleanup projects related to underground storage tanks.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. Projects to replace tanks shall conform with guidelines to minimize risk of environmental contamination. Above ground storage tanks shall be used whenever possible and agencies shall avoid duplication of tanks.

**Reappropriation:**

CEP & RI Acct—State . . . . .	\$	105,000
St Bldg Constr Acct—State . . . . .	\$	<u>665,000</u>
Subtotal Reappropriation . . . . .	\$	770,000

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	3,000,000
Prior Biennia (Expenditures) . . . . .	\$	4,248,146
Future Biennia (Projected Costs) . . . . .	\$	<u>7,000,000</u>
TOTAL . . . . .	\$	15,018,146

**NEW SECTION. Sec. 141. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Asbestos abatement and associated minor demolition: Pool (96-1-002)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for removal or abatement of asbestos.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	2,500,000
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**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	3,000,000
Prior Biennia (Expenditures) . . . . .	\$	6,358,088
Future Biennia (Projected Costs) . . . . .	\$	<u>16,000,000</u>
TOTAL . . . . .	\$	27,858,088

**NEW SECTION. Sec. 142. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Americans with Disabilities Act: Pool (96-1-003)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for improvements to state-owned facilities for program access enhancements.

(2) No moneys appropriated in this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. The office of financial management shall implement an agency request and evaluation procedure similar to the one adopted in the 1993-95 biennium for distribution of funds.

(3) No moneys appropriated in this section shall be available to institutions of higher education to modify dormitories.

**Reappropriation:**

St Bldg Constr Acct--State . . . . . \$ 1,000,000

**Appropriation:**

St Bldg Constr Acct—State . . . . . \$ 6,000,000

Prior Biennia (Expenditures) . . . . . \$ 8,360,000

Future Biennia (Projected Costs) . . . . . \$ 33,000,000

TOTAL . . . . . \$ 48,360,000

**NEW SECTION. Sec. 143. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Seismic retrofit: Pool (96-1-004)**

**Appropriation:**

General Fund—Federal . . . . . \$ 1,000,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 1,000,000

**NEW SECTION. Sec. 144. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Capital budget system improvements (96-I-006)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 100,000

**Appropriation:**

St Bldg Constr Acct—State . . . . . \$ 300,000

Prior Biennia (Expenditures) . . . . . \$ 300,000

Future Biennia (Projected Costs) . . . . . \$ 1,200,000

TOTAL . . . . . \$ 1,900,000

**NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol Lake repairs:** To repair dam gates and shoreline areas damaged by erosion (92-1-015)

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	985,000
Prior Biennia (Expenditures) . . . . .	\$	140,000
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>1,125,000</b>

**NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol Campus geotechnical and hydrologic survey (92-2-108)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	75,000
Prior Biennia (Expenditures) . . . . .	\$	125,000
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>200,000</b>

**NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**CFC/Halon fire control systems (94-1-009)**

**Reappropriation:**

Cap Bldg Constr Acct—State . . . . .	\$	325,000
Prior Biennia (Expenditures) . . . . .	\$	139,000
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>464,000</b>

**NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol Campus preservation (94-1-010)**

**Reappropriation:**

Cap Bldg Constr Acct—State . . . . .	\$	910,000
Prior Biennia (Expenditures) . . . . .	\$	2,748,000
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>3,658,000</b>

**NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol Lake dredging:** To develop a dredging plan and to dredge Capitol Lake (92-1-019)



\$200,000 of the reappropriation in this section is provided solely to develop a management plan and to implement projects to reduce sedimentation and other pollution in the Deschutes river watershed. Eligible projects shall include, but are not limited to, stream corridor conservation, bank stabilization, agricultural soil conservation, silvicultural soil conservation, and sedimentation and pollution monitoring. When implementing this section, the department shall coordinate with the departments of natural resources, ecology, fish and wildlife, and transportation, and with affected local governments and Indian tribes.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	1,430,000
Prior Biennia (Expenditures) . . . . .	\$	570,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	2,000,000

**NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Plaza—Department of Transportation Garage renovation: Design and construction (96-1-002)**

**Appropriation:**

Cap Bldg Constr Acct—State . . . . .	\$	400,000
St Bldg Constr Acct—State . . . . .	\$	8,921,200
Subtotal Appropriation . . . . .	\$	9,321,200
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	11,158,500
TOTAL . . . . .	\$	20,479,700

**NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**General Administration Building—Preservation: To make critical repairs to the electrical service of the General Administration Building (96-1-003)**

**Appropriation:**

Cap Bldg Constr Acct—State . . . . .	\$	2,200,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	2,200,000

**NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol campus controls systems phase 4 (96-1-004)**

**Appropriation:**

Cap Bldg Constr Acct—State . . . . .	\$	868,000
Prior Biennia (Expenditures) . . . . .	\$	0

Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	868,000

**NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Heritage Park—Phased development:** To provide for a public access trail linking the campus to Capitol lake, slope stabilization, environmental review, and design and permitting for future phases (92-5-105)

**Appropriation:**

Cap Bldg Constr Acct—State . . . . .	\$	1,035,000
Prior Biennia (Expenditures) . . . . .	\$	7,030,000
Future Biennia (Projected Costs) . . . . .	\$	<u>11,492,000</u>
TOTAL . . . . .	\$	19,557,000

**NEW SECTION. Sec. 154. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Roof repairs and replacement (96-1-010)**

**Appropriation:**

Thurston County Cap Fac Acct—State \$	775,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ <u>3,200,000</u>
TOTAL . . . . .	\$ 3,975,000

**NEW SECTION. Sec. 155. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**CFC/Halon fire control systems: Removal and replacement (96-1-011)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	500,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>1,000,000</u>
TOTAL . . . . .	\$	1,500,000

**NEW SECTION. Sec. 156. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Archives Building heating, ventilation, and air conditioning: Repairs (96-1-012)**

**Appropriation:**

Cap Bldg Constr Acct—State . . . . .	\$	1,700,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	1,700,000

**NEW SECTION. Sec. 157. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Thurston County buildings: Preservation (96-1-013)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management, including electrical improvements, elevator and escalator preservation, building preservation, infrastructure preservation, and emergency and small repairs.

(2) The department shall develop designs and plans for handrails in the legislative building and shall report its design recommendations and associated costs to the legislature.

(3) \$50,000 of the appropriation in this section is provided solely to improve handicapped accessibility between the legislative building and the John L. O'Brien and John A. Cherberg buildings.

**Appropriation:**

Thurston County Cap Fac Acct—State	\$	2,021,200
Cap Bldg Constr Acct—State . . . . .	\$	4,445,000
St Bldg Constr Acct—State . . . . .	\$	<u>518,800</u>
Subtotal Appropriation . . . . .	\$	6,985,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>16,700,000</u>
TOTAL . . . . .	\$	23,685,000

**NEW SECTION. Sec. 158. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Washington State Training and Conference Center—Preservation (96-1-016)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	620,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	620,000

**NEW SECTION. Sec. 159. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Monumental buildings—Prcservation:** To replace stone, repair and patch cracked stones, miscellaneous stone consolidation, water and chemical cleaning, and sealing the stone surface of campus monumental buildings (96-1-017)

**Appropriation:**

Cap Bldg Constr Acct—State . . . . .	\$	1,700,000
Prior Biennia (Expenditures) . . . . .	\$	0

Future Biennia (Projected Costs) . . . . .	\$	6,800,000
TOTAL . . . . .	\$	8,500,000

**NEW SECTION. Sec. 160. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**State Library: Preservation (96-1-018)**

**Appropriation:**

Cap Bidg Constr Acct—State . . . . .	\$	800,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	800,000

**NEW SECTION. Sec. 161. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**General Administration engineering and architectural services: Project management (96-2-010)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with agencies for additional fees to manage exceptional projects or those that require services in addition to core services and that are described as optional and extra services in the task list.

(2) The department shall utilize a project management cost allocation procedure approved by the office of financial management to allocate costs under the appropriation, and costs under any negotiated agreements for additional services, at the agency, object, and subobject levels. In addition, the department shall allocate costs at the project level for projects valued over \$500,000.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	7,500,000
Prior Biennia (Expenditures) . . . . .	\$	8,000,000
Future Biennia (Projected Costs) . . . . .	\$	30,000,000
TOTAL . . . . .	\$	45,500,000

**NEW SECTION. Sec. 162. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Northern State Multiservice Center:** To replace the central heating system with individual building heating systems.

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act and shall not be expended until the office

of financial management has made a determination that the replacement individual heating systems will have a cost efficiency payback of less than five years.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	577,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	577,000

**NEW SECTION. Sec. 163. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Washington State Trading and Conference Center:** To construct a mock city, indoor firing range, and running track (96-2-004)

**Appropriation:**

Public Safety Reimb Bond—State . . . . .	\$	2,912,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>1,572,000</u>
TOTAL . . . . .	\$	4,484,000

**NEW SECTION. Sec. 164. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Northern State Multiservice Center:** For critical life/safety and preservation projects (94-1-014)

**Reappropriation:**

CEP & RI Acct . . . . .	\$	625,000
Prior Biennia (Expenditures) . . . . .	\$	247,000
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	872,000

**NEW SECTION. Sec. 165. FOR THE DEPARTMENT OF INFORMATION SERVICES**

**Campus transport system phase I: Design and construct (95-2-002)**

In the 1997-99 biennium the department will start charging the benefiting agencies, through their rate structure, amounts sufficient to recover the costs (principal and interest) for the entire transport system over a fifteen year period.

**Appropriation:**

Data Proc Rev Acct—State . . . . .	\$	3,450,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>1,650,000</u>
TOTAL . . . . .	\$	5,100,000

**NEW SECTION. Sec. 166. FOR THE DEPARTMENT OF INFORMATION SERVICES**

**Washington Information Network kiosks (95-2-003)**

Funding is provided solely for the acquisition and installation of up to 30 multimedia kiosks for the Washington Information Network.

**Appropriation:**

Data Proc Rev Acct—State . . . . .	\$	1,300,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>1,300,000</b>

**NEW SECTION. Sec. 167. FOR THE WASHINGTON HORSE RACING COMMISSION**

**Horse Racing Commission (94-5-001)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided solely for the benefit and support of thoroughbred horse racing;
- (2) Expenditures from this appropriation shall only be made to construct horse race or related facilities after the commission has made a determination that the applicant has the ability to complete the construction of a facility and fund its operation and the applicant has completed all state and federal permitting requirements;
- (3) The Washington horse racing commission shall insure that any expenditure from this appropriation will protect the state's long-term interest in the continuation and development of thoroughbred horse racing.

**Reappropriation:**

<b>Thoroughbred Racing</b>		
Acct—State . . . . .	\$	8,200,000

**Appropriation:**

<b>Thoroughbred Racing</b>		
Acct—State . . . . .	\$	168,065
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>8,368,065</b>

**NEW SECTION. Sec. 168. FOR THE LIQUOR CONTROL BOARD**

**Distribution Center: Security fence replacement (94-1-003)**

**Reappropriation:**

Liquor Revolving Acct—State . . . . .	\$	28,800
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL ..... \$ 28,800

**NEW SECTION. Sec. 169. FOR THE LIQUOR CONTROL BOARD**

**Distribution Center: Warehouse reroof and repairs (94-1-005)**

**Reappropriation:**

Liquor Revolving Acct—State ..... \$ 125,000

Prior Biennia (Expenditures) ..... \$ 500,000

Future Biennia (Projected Costs) ..... \$ 0

TOTAL ..... \$ 625,000

**NEW SECTION. Sec. 170. FOR THE LIQUOR CONTROL BOARD**

**Distribution Center—Predesign:** To complete predesign for a new warehouse in accordance with the predesign manual published by the office of financial management (96-2-001)

**Appropriation:**

Liquor Revolving Acct—State ..... \$ 100,000

Prior Biennia (Expenditures) ..... \$ 0

Future Biennia (Projected Costs) ..... \$ 0

TOTAL ..... \$ 100,000

**NEW SECTION. Sec. 171. FOR THE MILITARY DEPARTMENT**

**Yakima Armory demolition:** To reimburse the city of Yakima for demolition costs (94-2-001)

**Appropriation:**

General Fund—Federal ..... \$ 155,000

Prior Biennia (Expenditures) ..... \$ 0

Future Biennia (Projected Costs) ..... \$ 0

TOTAL ..... \$ 155,000

**NEW SECTION. Sec. 172. FOR THE MILITARY DEPARTMENT**

**State-wide: Preservation (93-1-008)**

**Reappropriation:**

St Bldg Constr Acct—State ..... \$ 850,000

Prior Biennia (Expenditures) ..... \$ 2,518,400

Future Biennia (Projected Costs) ..... \$ 0

TOTAL ..... \$ 3,368,400

**NEW SECTION. Sec. 173. FOR THE MILITARY DEPARTMENT**

**Camp Murray buildings: Preservation (96-1-002)**

**Appropriation:**

General Fund—Federal ..... \$ 1,050,000

Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>658,000</u>
TOTAL . . . . .	\$	1,708,000

**NEW SECTION. Sec. 174. FOR THE MILITARY DEPARTMENT**

**Everett Armory: Preservation (96-1-003)**

**Appropriation:**

General Fund—Federal . . . . .	\$	500,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	500,000

**NEW SECTION. Sec. 175. FOR THE MILITARY DEPARTMENT**

**Camp Murray infrastructure: Preservation (96-1-006)**

**Appropriation:**

General Fund—Federal . . . . .	\$	500,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>2,000,000</u>
TOTAL . . . . .	\$	2,500,000

**NEW SECTION. Sec. 176. FOR THE MILITARY DEPARTMENT**

**Minor works: To provide support of federal construction projects (96-1-007)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

General Fund—Federal . . . . .	\$	3,855,000
St Bldg Constr Acct—State . . . . .	\$	<u>448,000</u>
Subtotal Appropriation . . . . .	\$	4,303,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>19,553,700</u>
TOTAL . . . . .	\$	23,856,700

**NEW SECTION. Sec. 177. FOR THE MILITARY DEPARTMENT**

**Emergency Coordination Center: For design and construction of an emergency coordination center and remodeling of associated facilities at Camp Murray**

The appropriation in this section is subject to the following conditions and limitations:



(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act;

(2) The appropriation in this section represents the maximum amount of funding available for this project. To the extent moneys in this appropriation are not needed to complete the project, as mutually determined by the military department and the office of financial management, the appropriation in this section shall be reduced accordingly and remaining funds shall be transferred to the state general fund; and

(3) If federal match or reimbursement funding is received by the state from the federal emergency management agency for this project, the appropriation in this section shall be reduced accordingly and remaining funds shall be transferred to the state general fund.

**Appropriation:**

<b>General Fund—Federal . . . . .</b>	<b>\$ 9,066,000</b>
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ <u>0</u>
<b>TOTAL . . . . .</b>	<b>\$ 9,066,000</b>

**NEW SECTION. Sec. 178. FOR THE MILITARY DEPARTMENT**

**Buildings and infrastructure savings (96-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Appropriation:**

<b>St Bidg Constr Acct—State . . . . .</b>	<b>\$ 1</b>
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ <u>0</u>
<b>TOTAL . . . . .</b>	<b>\$ 1</b>

**NEW SECTION. Sec. 179. FOR THE STATE CONVENTION AND TRADE CENTER**

**Minor works (93-2-001) (89-5-002) (89-5-003)**

If the projects funded from the reappropriation in this section are not substantially complete by January 1, 1997, the reappropriation shall lapse.

**Reappropriation:**

St Conv & Trade Ctr Acct—State . . . .	\$	1,300,000
Prior Biennia (Expenditures) . . . . .	\$	333,926
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,633,926

**PART 2****HUMAN SERVICES****NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES****Western State Hospital—Sanitary sewer (88-1-400)****Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	179,908
Prior Biennia (Expenditures) . . . . .	\$	10,092
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	190,000

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES****Echo Glenn—Perimeter fence (90-5-002)****Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	48,223
Prior Biennia (Expenditures) . . . . .	\$	426,777
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	475,000

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES****Eastern State Hospital—Ward renovation phase 3 (92-I-340)****Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	818,536
Prior Biennia (Expenditures) . . . . .	\$	5,429,786
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	6,248,322

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES****Maple Lane—Level 2 security units (92-2-230)****Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	11,718
Prior Biennia (Expenditures) . . . . .	\$	746,781
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL ..... \$ 758,499

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Child Study—Education Center 1 (92-2-319)**

**Reappropriation:**

St Bldg Constr Acct—State .....	\$	896,907
Prior Biennia (Expenditures) .....	\$	2,928,093
Future Biennia (Projected Costs) .....	\$	0
TOTAL .....	\$	3,825,000

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Energy conservation management and planning (94-1-006)**

**Reappropriation:**

CEP & RI Acct .....	\$	127,559
Prior Biennia (Expenditures) .....	\$	102,917
Future Biennia (Projected Costs) .....	\$	0
TOTAL .....	\$	230,476

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Underground Storage Tanks (94-1-060)**

**Reappropriation:**

St Bldg Constr Acct—State .....	\$	142,641
Prior Biennia (Expenditures) .....	\$	81,359
Future Biennia (Projected Costs) .....	\$	0
TOTAL .....	\$	224,000

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital—Ward renovation Phase 5 (92-1-314)**

**Reappropriation:**

St Bldg Constr Acct—State .....	\$	2,042,000
Prior Biennia (Expenditures) .....	\$	10,009,327
Future Biennia (Projected Costs) .....	\$	0
TOTAL .....	\$	12,051,327

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Level 1 Security Units—Maple Lane School (92-2-225)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	3,895,110
Prior Biennia (Expenditures) . . . . .	\$	3,017,906
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	6,913,016

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Fire safety and sewer improvements—Maple Lane School (94-I-001)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	427,281
Prior Biennia (Expenditures) . . . . .	\$	42,719
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	470,000

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Administration Building renovation—Maple Lane School (94-1-127)**

The reappropriation in this section is subject to the following conditions and limitations: The department shall preserve the architectural style of the entrance to the building to the extent feasible.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	3,768,842
Prior Biennia (Expenditures) . . . . .	\$	154,658
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	3,923,500

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Renovate apartment—Fircrest School (94-1-142)**

**Reappropriation:**

CEP & RI Acct—State . . . . .	\$	2,119,168
Prior Biennia (Expenditures) . . . . .	\$	13,944
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	2,133,112

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Wastewater Treatment Plant—Maple Lane School (94-1-201)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	764,277
Prior Biennia (Expenditures) . . . . .	\$	8,223
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . . \$ 772,500

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Water system improvements—Naselle Youth Camp (94-1-202)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	1,165,694
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,165,694

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Replace Eagle Lodge—Naselle Youth Camp (94-1-204)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	954,831
Prior Biennia (Expenditures) . . . . .	\$	1,145,169
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	2,100,000

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Clinic—Echo Gien Children’s Center (94-1-207)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	1,025,262
Prior Biennia (Expenditures) . . . . .	\$	61,352
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,086,614

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Eagle Lodge rehahilitation—Naselle Youth Camp (94-1-210)**

**Reappropriation:**

St Bidg Constr Acct—State . . . . .	\$	224,455
Prior Biennia (Expenditures) . . . . .	\$	57,545
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	282,000

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Child Study and Treatment Center—Administration Building renovation (94-1-306)**

**Reappropriation:**

CEP & RI Acct—State . . . . .	\$	766,205
Prior Biennia (Expenditures) . . . . .	\$	11,395
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	777,600

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital: Security improvements (94-1-310)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	400,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	400,000

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital—Ward renovation phase 6 (94-1-316)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	11,905,826
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**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	819,000
Prior Biennia (Expenditures) . . . . .	\$	245,174
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	12,970,000

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Frances Haddon Morgan Center—Remodel (94-1-402)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	1,707,781
Prior Biennia (Expenditures) . . . . .	\$	13,519
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,721,300

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Green Hill School: Repairs (94-1-510)**

The reappropriation in this section is provided for minor repairs, including but not limited to fire and safety code repairs, and kitchen roof repair or replacement.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	108,337
Prior Biennia (Expenditures) . . . . .	\$	131,663
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	240,000

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Eastern State Hospital: Psychiatric Triage Unit grant (94-2-005)**

The reappropriation is provided to develop secure beds in Spokane county for persons in need of emergency short-term evaluation, treatment, and stabilization as a result of a psychiatric crisis. The department shall assure that: (1) Funding for the project shall be contingent upon a plan approved by the department of social and health services and upon an agreement by the participating regional support networks to reduce their utilization of eastern state hospital by at least 30 beds early in the 1995-97 biennium; and (2) the state's investment shall be promptly repaid if the facility is converted to use other than psychiatric care for publicly assisted individuals before the useful life of the project funded by this appropriation has expired.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	1,000,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	1,000,000

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Asbestos abatement (96-1-002)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	349,260
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**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	755,000
Prior Biennia (Expenditures) . . . . .	\$	367,764
Future Biennia (Projected Costs) . . . . .	\$	<u>3,253,650</u>
TOTAL . . . . .	\$	4,725,674

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Minor capital renewal (96-1-004)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

CEP & RI Acct—State . . . . .	\$	1,739,331
St Bldg Constr Acct—State . . . . .	\$	397,207
Subtotal Reappropriation . . . . .	\$	2,136,538

**Appropriation:**

CEP & RI Acct—State . . . . .	\$	5,400,000
St Bldg Constr Acct—State . . . . .	\$	9,700,000
Subtotal Appropriation . . . . .	\$	15,100,000
Prior Biennia (Expenditures) . . . . .	\$	6,131,034
Future Biennia (Projected Costs) . . . . .	\$	68,000,000
TOTAL . . . . .	\$	91,367,572

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Agency capital project management (96-1-005)**

**Appropriation:**

CEP & RI Acct—State . . . . .	\$	1,237,496
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	4,800,000
TOTAL . . . . .	\$	6,037,496

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Resource conservation: Fircrest heating study (96-1-006)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996

**Appropriation:**

CEP & RI Acct—State . . . . .	\$	132,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	132,000

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Emergency projects (96-1-007)**

**Reappropriation:**



CEP & RI Acct—State	.....	\$	107,460
<b>Appropriation:</b>			
CEP & RI Acct—State	.....	\$	250,000
Prior Biennia (Expenditures)	.....	\$	321,454
Future Biennia (Projected Costs)	.....	\$	1,000,000
TOTAL	.....	\$	1,678,914

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Chlorofluorocarbon abatement (96-1-008)**

<b>Reappropriation:</b>			
CEP & RI Acct—State	.....	\$	100,000
<b>Appropriation:</b>			
CEP & RI Acct—State	.....	\$	150,000
Prior Biennia (Expenditures)	.....	\$	0
Future Biennia (Projected Costs)	.....	\$	150,000
TOTAL	.....	\$	400,000

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Rainier School infrastructure: Predesgn (96-1-009)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

<b>Reappropriation:</b>			
St Bldg Constr Acct—State	.....	\$	192,078
Prior Biennia (Expenditures)	.....	\$	157,923
Future Biennia (Projected Costs)	.....	\$	30,300,000
TOTAL	.....	\$	30,650,001

**NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Juvenile facilities preservation and rehabilitation (96-1-020)**

<b>Reappropriation:</b>			
St Bldg Constr Acct—State	.....	\$	1,705,275
Prior Biennia (Expenditures)	.....	\$	374,325
Future Biennia (Projected Costs)	.....	\$	0
TOTAL	.....	\$	2,079,600

**NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Minor projects—Mental health (96-1-030)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 1,412,297

**Appropriation:**

St Bldg Constr Acct—State . . . . . \$ 1,950,000

Prior Biennia (Expenditures) . . . . . \$ 433,004

Future Biennia (Projected Costs) . . . . . \$ 14,000,000

TOTAL . . . . . \$ 17,795,301

**NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Minor projects—Division of Developmental Disabilities (96-1-040)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

CEP & RI Acct—State . . . . . \$ 864,813

**Appropriation:**

St Bldg Constr Acct—State . . . . . \$ 539,000

Prior Biennia (Expenditures) . . . . . \$ 1,658,687

Future Biennia (Projected Costs) . . . . . \$ 6,000,000

TOTAL . . . . . \$ 9,062,500

**NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Underground storage tanks removal and replacement (96-1-060)**

**Reappropriation:**

CEP & RI Acct—State . . . . . \$ 159,286

**Appropriation:**

CEP & RI Acct—State . . . . . \$ 200,000

Prior Biennia (Expenditures) . . . . . \$ 832,000

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 1,191,286

**NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Maintenance management and planning (96-1-150)**

**Reappropriation:**

CEP & RI Acct—State . . . . . \$ 140,323

**Appropriation:**

CEP & RI Acct—State . . . . . \$ 125,000

Prior Biennia (Expenditures) . . . . . \$ 279,124

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 544,447

**NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Medical Lake wastewater treatment facility: Design (96-1-301)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 699,903

**Appropriation:**

St Bldg Constr Acct—State . . . . . \$ 1,264,000

Prior Biennia (Expenditures) . . . . . \$ 2,014,097

Future Biennia (Projected Costs) . . . . . \$ 750,000

TOTAL . . . . . \$ 4,728,000

**NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital—Ward renovation Phase 7 (96-1-316)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 150,000

Prior Biennia (Expenditures) . . . . . \$ 550,000

Future Biennia (Projected Costs) . . . . . \$ 16,770,18

TOTAL . . . . . \$ 17,470,018

**NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital Legal Offenders Unit: Predesign (96-1-318)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 150,000

Prior Biennia (Expenditures) . . . . . \$ 550,000

Future Biennia (Projected Costs) . . . . . \$ 22,300,000

TOTAL . . . . . \$ 23,000,000

**NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Eastern State Hospital Legal Offenders Unit: Predesign, design and construct (96-1-319)**

The design and construction phase of this appropriation shall not be expended until the predesign document developed in accordance with the predesign manual published by the office of financial management has been reviewed and approved. Funds for design and construction shall be released subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bidg Constr Acct—State . . . . .	\$ 1,000,000
Prior Biennia (Expenditures) . . . . .	\$ 28,624
Future Biennia (Projected Costs) . . . . .	\$ <u>11,238,276</u>
TOTAL . . . . .	\$ 12,266,900

**NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Western State Hospital: Replace Boiler #1 (96-1-322)**

**Appropriation:**

St Bidg Constr Acct—State . . . . .	\$ 1,440,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ <u>0</u>
TOTAL . . . . .	\$ 1,440,000

**NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Juvenile Rehabilitation Administration new 300-bed institution: Site selection and environmental impact statement (96-2-228)**

To conduct a site selection process for the project described in this section.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$ 200,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ <u>45,000,000</u>
TOTAL . . . . .	\$ 45,200,000

**NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Echo Glen new beds and infrastructure (96-2-229)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

St Bidg Constr Acct—State . . . . .	\$ 6,484,300
Prior Biennia (Expenditures) . . . . .	\$ 0

Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	6,484,300

**\*NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Green Hill redevelopment (96-2-230)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act;

(2) \$380,000 of the appropriation in this section is provided for a facility and site master plan and environmental impact statement. Moneys for design and construction shall not be expended until the facility and site master plan is approved by the office of financial management; and

(3) *New residential units constructed with this appropriation shall be designed to accommodate a sustained operating capacity of at least forty-two residents, except for intake units, mental health units, and units housing sex offenders.*

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	34,374,536
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>3,000,000</u>
TOTAL . . . . .	\$	37,374,536

\*Sec. 243 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Maple Lane School support services renovation and infrastructure improvements (96-2-231)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	5,855,500
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	5,855,500

**NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Naselle Youth Camp sewer and infrastructure improvements (96-2-232)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	2,125,500
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	2,125,500

**NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Mission Creek preservation projects (96-2-233)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	414,800
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	414,800

**NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Crisis Residential Centers (96-1-900)**

The appropriation in this section is provided to the department of social and health services for grants to provide secure crisis residential centers consistent with the plan developed pursuant to the omnibus 1995-97 operating budget.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	3,000,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	3,000,000

**NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Indian Ridge utility upgrade projects (96-2-234)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	1,521,500
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	1,521,500

**\*NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES .**

**Minor works: State-owned Juvenile Rehailltation Adminlstration group homes (96-2-235)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

*(2) A maximum of \$5,000 from this appropriation may be used to acquire the surplus military base at Camp Bonneville for the purpose of developing a juvenile rehabilitation facility.*

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	344,400
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	344,400

\*Sec. 249 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Buildings and infrastructure savings (96-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	1
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1

**NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Child care facilities for state employees, including higher education employees (92-4-050)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	1,490,000
Prior Biennia (Expenditures) . . . . .	\$	2,010,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	3,500,000

**NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF HEALTH  
Referendum 38—Water bonds (86-2-099)**

**Reappropriation:**

LIRA, Water Sup Fac—State . . . . .	\$	1,900,000
Prior Biennia (Expenditures) . . . . .	\$	7,208,954
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	9,108,954

**NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF HEALTH**

**Health Laboratory: Repairs and Improvements (96-1-001)**

**Reappropriation:**

CEP & RI Acct—State . . . . .	\$	450,000
St Bldg Constr Acct—State . . . . .	\$	350,000
Subtotal Reappropriation . . . . .	\$	800,000

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	863,992
Prior Biennia (Expenditures) . . . . .	\$	118,204
Future Biennia (Projected Costs) . . . . .	\$	2,478,536
TOTAL . . . . .	\$	4,260,870

**NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF HEALTH**

**Emergency power system (96-1-009)**

**Appropriation:**

CEP & RI Acct—State . . . . .	\$	596,790
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	596,790

**NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Underground storage tank: Replacement (94-1-019)**

**Reappropriation:**

CEP & RI Acct—State . . . . .	\$	52,000
Prior Biennia (Expenditures) . . . . .	\$	103,902
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	155,902

**NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Main kitchen upgrade, Washington Soldiers' Home (95-1-001)**

**Appropriation:**

CEP & RI Acct—State . . . . .	\$	1,096,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,096,000



**NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Roof repair and replacement, Washington Veterans' Home (95-1-002)**

**Reappropriation:**

CEP & RI Acct—State . . . . . \$ 50,000

**Appropriation:**

CEP & RI Acct—State . . . . . \$ 402,000

Prior Biennia (Expenditures) . . . . . \$ 327,895

Future Biennia (Projected Costs) . . . . . \$ 775,000

**TOTAL . . . . . \$ 1,554,895**

**NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Mechanical, electrical, and heating, ventilation, and air conditioning improvements, Washington Veterans' Home (95-1-003)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 600,000

**Appropriation:**

CEP & RI Acct—State . . . . . \$ 360,000

Prior Biennia (Expenditures) . . . . . \$ 1,346,611

Future Biennia (Projected Costs) . . . . . \$ 1,600,000

**TOTAL . . . . . \$ 3,906,611**

**NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Building connection and automatic doors, Washington Soldiers' Home (95-1-005)**

**Appropriation:**

CEP & RI Acct—State . . . . . \$ 511,000

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 0

**TOTAL . . . . . \$ 511,000**

**NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Mechanical, electrical, heating, ventilation and air conditioning projects, Washington Soldiers' Home (95-1-006)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 250,000

**Appropriation:**

CEP & RI Acct—State . . . . . \$ 235,000

Prior Biennia (Expenditures) . . . . . \$ 587,057

Future Biennia (Projected Costs) . . . . .	\$	<u>1,600,000</u>
TOTAL . . . . .	\$	2,672,057

**NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Replace falling sewer line, Washington Soldiers' Home (95-1-011)**

**Appropriation:**

CEP & RI Acct—State . . . . .	\$	100,000
Prior Biennia (Expenditures) . . . . .	\$	275,595
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	375,595

**NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Roof maintenance and demolltion, Washington Soidiers' Home (95-1-012)**

**Reappropriation:**

CEP & RI Acct—State . . . . .	\$	30,000
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**Appropriation:**

CEP & RI Acct—State . . . . .	\$	120,000
Prior Biennia (Expenditures) . . . . .	\$	511,570
Future Biennia (Projected Costs) . . . . .	\$	<u>525,000</u>
TOTAL . . . . .	\$	1,186,570

**NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Emergency projects (95-1-013)**

**Appropriation:**

CEP & RI Acct—State . . . . .	\$	150,000
Prior Biennia (Expenditures) . . . . .	\$	150,000
Future Biennia (Projected Costs) . . . . .	\$	<u>1,600,000</u>
TOTAL . . . . .	\$	1,900,000

**NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**Occupational Therapy and Physical Therapy Room addition In Building 10, Washington Veterans' Home (95-2-009)**

**Appropriation:**

CEP & RI Acct—State . . . . .	\$	110,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	110,000

**NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF CORRECTIONS**

**McNeil Island master plan development (94-2-001)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$ 1,519,000
Prior Biennia (Expenditures) . . . . .	\$ 11,359,689
Future Biennia (Projected Costs) . . . . .	\$ 0
<b>TOTAL . . . . .</b>	<b>\$ 12,878,689</b>

**NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS**

**Airway Heights Correctional Center improvements and infrastructure for 512-bed expansion (94-2-016)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$ 4,355,000
Prior Biennia (Expenditures) . . . . .	\$ 12,248,062
Future Biennia (Projected Costs) . . . . .	\$ 0
<b>TOTAL . . . . .</b>	<b>\$ 16,603,062</b>

**NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS**

**State-wide preservation projects (96-1-001)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation shall support the detailed list of projects maintained by the office of financial management; and
- (2) Moneys from the appropriation may be spent for critical repairs at the western Washington prerelease facility and to evaluate options for continued utilization and possible expansion of the facility on the western state hospital campus. The department shall report such options to the legislature by December 1, 1995.
- (3) Up to \$350,000 from the appropriation may be used for repairs to the creamery facility necessary to continue the operation of the dairy and creamery at the Monroe honor farm.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$ 17,000,000
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**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$ 14,879,313
Prior Biennia (Expenditures) . . . . .	\$ 54,525,756
Future Biennia (Projected Costs) . . . . .	\$ 94,000,000
<b>TOTAL . . . . .</b>	<b>\$ 180,405,069</b>

**NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS**

**Underground storage tank and above-ground storage tank program (96-1-002)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	794,729
Prior Biennia (Expenditures) . . . . .	\$	940,348
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>1,735,077</b>

**NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS**

**Emergency projects (96-1-015)**

**Reappropriation:**

CEP & RI Acct—State . . . . .	\$	106,000
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**Appropriation:**

CEP & RI Acct—State . . . . .	\$	1,602,750
St Bldg Constr Acct—State . . . . .	\$	200,000
<b>Subtotal Appropriation . . . . .</b>	<b>\$</b>	<b>1,802,750</b>
Prior Biennia (Expenditures) . . . . .	\$	2,376,811
Future Biennia (Projected Costs) . . . . .	\$	6,000,000
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>10,285,561</b>

**NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS**

**Washington State Penitentiary steam system replacement (96-1-016)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	4,411,252
Prior Biennia (Expenditures) . . . . .	\$	2,482,811
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>6,894,063</b>

**NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS**

**Washington Corrections Center for Women: Replace "G" Units with 256-bed unit (96-2-001)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 1,611,187

**Appropriation:**

St Bldg Constr Acct—State . . . . . \$ 8,317,839

Prior Biennia (Expenditures) . . . . . \$ 0

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 9,929,026

**NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS**

**400-bed minimum facility for Washington State Reformatory (96-2-002)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

St Bldg Constr Acct—State . . . . . \$ 18,733,120

Prior Biennia (Expenditures) . . . . . \$ 50,000

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 18,783,120

**NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS**

**Airway Heights Correctional Center 512-bed expansion (96-2-003)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 2,055,776

**Appropriation:**

St Bldg Constr Acct—State . . . . . \$ 17,155,382

Prior Biennia (Expenditures) . . . . . \$ 4,439,774

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 23,650,932

**NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS**

**1936-bed multicustody facility design, land acquisition, utilities, and site work (96-2-007)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) In order to coordinate the initial development of the new prison funded in this section with the privatization evaluation in Engrossed Substitute House

Bill No. 1410 (omnibus operating budget), moneys in this appropriation may be spent solely for land acquisition, utility development, site work, design and engineering activities related to utilities and site work, schematic design of buildings to determine placement on the building site, and related activities. Moneys in this appropriation may also be spent for detailed design and engineering of buildings with the approval of the office of financial management and concurrence of the chairs of the house of representatives capital budget committee and senate ways and means committee.

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 100,000

**Appropriation:**

St Bldg Constr Acct—State . . . . . \$ 19,263,733

Prior Biennia (Expenditures) . . . . . \$ 900,000

Future Biennia (Projected Costs) . . . . . \$ 166,190,016

TOTAL . . . . . \$ 186,453,749

**NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS**

**Yakima Prerelease: Design and construction (96-2-008)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

St Bldg Constr Acct—State . . . . . \$ 7,527,900

Prior Biennia (Expenditures) . . . . . \$ 240,000

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 7,767,900

**\*NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS**

**Larch and Cedar Creek expansion to 400-hed camps (96-2-010)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The design and construction phase of this appropriation shall not be expended until the facility predesign documents developed in accordance with the predesign manual published by the office of financial management have been reviewed and approved. The appropriation in this section is subject to the review and allotment procedures under section 813 of this act. .

(2) If the appropriation in this section is in excess of the amount required to complete the expansion of the Larch and Cedar Creek camps, the office of financial management may authorize the transfer of excess appropriation authority to match federal grant funds received by the department to expand inmate capacity at the work ethic camp on McNeil Island. The office of financial management may also authorize the transfer of excess appropriation

authority to expand the inmate capacity of the Olympic corrections center. The office of financial management shall notify the appropriate committees of the office of representatives and senate within ten days of any such transfer.

(3) It is the intent of the legislature that inmate labor be used to reduce costs so that as much as \$2,000,000 in project cost savings may be realized.

(4) The department shall construct secure perimeter fencing as part of the expansion of the Larch corrections center.

(5) *The department shall not house alien offenders at the Larch corrections center on or after January 1, 1996.*

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$ 22,000,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
<b>TOTAL . . . . .</b>	<b>\$ 22,000,000</b>

\*Sec. 276 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS**

**Special Offenders Unit: Predesign (96-2-011)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. The predesign will be coordinated with the department of social and health services and will address civil commitment needs as well as the department of corrections need for expanded mental health services. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$ 427,400
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 15,985,140
<b>TOTAL . . . . .</b>	<b>\$ 16,412,540</b>

**NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS**

**State-wide program projects (96-2-012)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

St Bidg Constr Acct—State . . . . .	\$ 7,428,000
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**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$ 8,074,963
Prior Biennia (Expenditures) . . . . .	\$ 45,659,492
Future Biennia (Projected Costs) . . . . .	\$ <u>70,000,000</u>
TOTAL . . . . .	\$ 131,162,455

**PART 3**

**NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY**

**Referendum 26 waste disposal facilities (74-2-004)**

**Reappropriation:**

LIRA—State . . . . .	\$ 6,216,000
Prior Biennia (Expenditures) . . . . .	\$ 2,711,028
Future Biennia (Projected Costs) . . . . .	\$ <u>863,680</u>
TOTAL . . . . .	\$ 9,790,708

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**

**Referendum 38 water supply facilities (74-2-006)**

\$2,500,000 of the state and local improvements revolving account is provided solely for funding the state's cost share in the water conservation demonstration project—Yakima river reregulation reservoir.

**Reappropriation:**

LIRA, Water Sup Fac—State . . . . .	\$ 9,374,371
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**Appropriation:**

LIRA, Water Sup Fac—State . . . . .	\$ 1,000,000
Prior Biennia (Expenditures) . . . . .	\$ 5,738,929
Future Biennia (Projected Costs) . . . . .	\$ <u>20,712,800</u>
TOTAL . . . . .	\$ 36,826,100

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**

**State emergency water projects revolving account (76-2-003)**

**Reappropriation:**

St Emerg Water Proj Rev—State . . . . .	\$ 7,749,052
Prior Biennia (Expenditures) . . . . .	\$ 1,187,225
Future Biennia (Projected Costs) . . . . .	\$ <u>236,956</u>
TOTAL . . . . .	\$ 9,173,233

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY**

**Referendum 39 waste disposal facilities (82-2-005)**

No expenditure from the appropriation in this subsection shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:



(1) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;

(2) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and

(3) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

**Reappropriation:**

LIRA, Waste Fac 1980—State . . . . . \$ 18,423,360

**Appropriation:**

LIRA, Waste Fac 1980—State . . . . . \$ 638,273

Prior Biennia (Expenditures) . . . . . \$ 32,125,342

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 51,186,975

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY**

**Centennial clean water fund (86-2-007)**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the appropriation is provided solely for the extended grant payment to Metro/King county.

(2) \$10,000,000 of the appropriation is provided solely for an extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(3) \$14,986,000 of the appropriation shall be allocated by the department for point source pollution prevention facilities and activities. The department is directed to emphasize implementation activities over planning activities.

(4) \$7,492,000 of the appropriation shall be allocated by the department for nonpoint source pollution prevention facilities and activities. The department is directed to emphasize implementation activities over planning activities.

**Reappropriation:**

Water Quality Acct—State . . . . . \$ 72,995,194

**Appropriation:**

Water Quality Acct—State . . . . . \$ 57,478,000

Prior Biennia (Expenditures) . . . . . \$ 156,707,408

Future Biennia (Projected Costs) . . . . . \$ 300,000,000

TOTAL . . . . . \$ 587,180,602

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY**

**Local toxics control account (88-2-008)**

**Reappropriation:**

Local Toxics Control Acct—

State . . . . . \$ 29,538,197

**Appropriation:**

<b>Local Toxics Control Acct—</b>	
State . . . . .	\$ 42,467,860
Prior Biennia (Expenditures) . . . . .	\$ 81,326,814
Future Biennia (Projected Costs) . . . . .	\$ 201,245,135
<b>TOTAL . . . . .</b>	<b>\$ 354,578,006</b>

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY**

**Water pollution control revolving account (90-2-002)**

**Reappropriation:**

<b>Water Pollution Cont Rev</b>	
Fund—State . . . . .	\$ 12,000,000
<b>Water Pollution Cont Rev</b>	
Fund—Federal . . . . .	\$ 77,857,990
Subtotal Reappropriation . . . . .	\$ 89,857,990

**Appropriation:**

<b>Water Pollution Cont Rev Fund—</b>	
State . . . . .	\$ 13,000,000
<b>Water Pollution Cont Rev Fund—</b>	
Federal . . . . .	\$ 62,000,000
<b>Water Pollution Cont Rev Fund—</b>	
Private/Local . . . . .	\$ 4,265,272
Subtotal Appropriation . . . . .	\$ 79,265,272
Prior Biennia (Expenditures) . . . . .	\$ 111,343,108
Future Biennia (Projected Costs) . . . . .	\$ 175,000,000
<b>TOTAL . . . . .</b>	<b>\$ 455,466,370</b>

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY**

**Methow Basin water conservation (92-2-009)**

The reappropriation in this section shall be used to fund water use efficiency improvements in the Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$ 171,000
Prior Biennia (Expenditures) . . . . .	\$ 229,000
Future Biennia (Projected Costs) . . . . .	\$ 0
<b>TOTAL . . . . .</b>	<b>\$ 400,000</b>

**NEW SECTION. Sec. 309. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Spokane Centennial Trail (89-5-112)**

**Reappropriation:**

General Fund—Federal . . . . .	\$	432,618
Prior Biennia (Expenditures) . . . . .	\$	7,000,000
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	7,432,618

**NEW SECTION. Sec. 310. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Doug’s Beach development (90-1-171)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	50,000
Prior Biennia (Expenditures) . . . . .	\$	12,206
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	62,206

**NEW SECTION. Sec. 311. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Deception Pass State Park: Sewer development (91-2-006)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	925,000
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**Appropriation:**

LIRA, Waste Fac 1980—State . . . . .	\$	2,229,000
Prior Biennia (Expenditures) . . . . .	\$	37,433
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	3,191,433

**NEW SECTION. Sec. 312. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Triton Cove State Park: Phase 1 (91-2-008)**

**Reappropriation:**

ORA—State . . . . .	\$	400,000
Prior Biennia (Expenditures) . . . . .	\$	228,140
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	628,140

**NEW SECTION. Sec. 313. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Omnibus boating facilities (91-2-009)**

**Reappropriation:**

ORA—State . . . . .	\$	200,000
Prior Biennia (Expenditures) . . . . .	\$	54,780
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL ..... \$ 254,780

**NEW SECTION. Sec. 314. FOR THE STATE PARKS AND RECREATION COMMISSION**

**St. Edwards State Park—Gym renovation and parking expansion (92-2-501)**

**Reappropriation:**

St Bldg Constr Acct—State .....	\$	400,000
Prior Biennia (Expenditures) .....	\$	152,137
Future Biennia (Projected Costs) .....	\$	0
TOTAL .....	\$	552,137

**NEW SECTION. Sec. 315. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Sewer facility improvements (93-2-001)**

**Reappropriation:**

LIRA, Waste Fac 1980—State .....	\$	650,000
Prior Biennia (Expenditures) .....	\$	935,820
Future Biennia (Projected Costs) .....	\$	0
TOTAL .....	\$	1,585,820

**NEW SECTION. Sec. 316. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Boating facility preservation (94-I-057)**

**Reappropriation:**

ORA—State .....	\$	2,400,000
General Fund—Federal .....	\$	150,000
Subtotal Reappropriation ....	\$	2,550,000

**Appropriation:**

General Fund—Federal .....	\$	700,000
Prior Biennia (Expenditures) .....	\$	570,000
Future Biennia (Projected Costs) .....	\$	0
TOTAL .....	\$	3,820,000

**NEW SECTION. Sec. 317. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Asbestos abatement projects: State-wide (95-1-002)**

**Reappropriation:**

St Bldg Constr Acct—State .....	\$	650,000
Prior Biennia (Expenditures) .....	\$	350,000
Future Biennia (Projected Costs) .....	\$	0

TOTAL ..... \$ 1,000,000

**NEW SECTION. Sec. 318. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Iron Horse Trail State Park: Acquisition (95-2-000)**

**Reappropriation:**

St Bldg Constr Acct—State .....	\$	70,000
Prior Biennia (Expenditures) .....	\$	0
Future Biennia (Projected Costs) .....	\$	0
TOTAL .....	\$	70,000

**NEW SECTION. Sec. 319. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Emergency projects (96-1-001)**

**Appropriation:**

St Bldg Constr Acct—State .....	\$	500,000
Prior Biennia (Expenditures) .....	\$	850,000
Future Biennia (Projected Costs) .....	\$	2,450,000
TOTAL .....	\$	3,800,000

**NEW SECTION. Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Underground storage tanks: Phase 3 (96-1-002)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

**Reappropriation:**

St Bldg Constr Acct—State .....	\$	100,000
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**Appropriation:**

St Bldg Constr Acct—State .....	\$	600,000
Prior Biennia (Expenditures) .....	\$	2,600,000
Future Biennia (Projected Costs) .....	\$	0
TOTAL .....	\$	3,300,000

**NEW SECTION. Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Park preservation projects: General (96-1-003)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	932,200
<b>Appropriation:</b>		
St Bldg Constr Acct—State . . . . .	\$	2,500,000
Prior Biennia (Expenditures) . . . . .	\$	291,300
Future Biennia (Projected Costs) . . . . .	\$	<u>21,000,000</u>
TOTAL . . . . .	\$	23,723,500

**NEW SECTION. Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Park preservation projects: Buildings (96-I-004)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

<b>Reappropriation:</b>		
St Bldg Constr Acct—State . . . . .	\$	2,801,500
<b>Appropriation:</b>		
St Bldg Constr Acct—State . . . . .	\$	1,500,000
Prior Biennia (Expenditures) . . . . .	\$	598,500
Future Biennia (Projected Costs) . . . . .	\$	<u>12,000,000</u>
TOTAL . . . . .	\$	16,900,000

**NEW SECTION. Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION**

**Park preservation projects: Utilities (96-I-005)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

<b>Reappropriation:</b>		
St Bldg Constr Acct—State . . . . .	\$	2,995,000
<b>Appropriation:</b>		
St Bldg Constr Acct—State . . . . .	\$	2,000,000
Prior Biennia (Expenditures) . . . . .	\$	1,505,000
Future Biennia (Projected Costs) . . . . .	\$	<u>13,000,000</u>
TOTAL . . . . .	\$	19,500,000

**NEW SECTION. Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION**

**State park program projects (96-2-007)**

<b>Appropriation:</b>		
St Bldg Constr Acct—State . . . . .	\$	1,880,400

Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>10,000,000</u>
TOTAL . . . . .	\$	11,880,400

**NEW SECTION. Sec. 325. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Boating facilities (I-215) (96-2-001)**

<b>Reappropriation:</b>		
ORA—State . . . . .	\$	7,398,959
<b>Appropriation:</b>		
Recreation Resources Acct—State . . . . .	\$	7,500,000
Prior Biennia (Expenditures) . . . . .	\$	5,108,690
Future Biennia (Projected Costs) . . . . .	\$	<u>35,584,384</u>
TOTAL . . . . .	\$	55,592,033

**NEW SECTION. Sec. 326. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Nonhighway road and off-road vehicle activities (NOVA) (96-2-002)**

<b>Reappropriation:</b>		
ORA—State . . . . .	\$	7,651,387
<b>Appropriation:</b>		
NOVA—State . . . . .	\$	5,120,000
Prior Biennia (Expenditures) . . . . .	\$	6,346,803
Future Biennia (Projected Costs) . . . . .	\$	<u>20,912,228</u>
TOTAL . . . . .	\$	40,030,418

**\*NEW SECTION. Sec. 327. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Washington wildlife and recreation program (96-2-003)**

The appropriations in this section for the Washington wildlife and recreation program under chapter 43.98A RCW are subject to the following conditions and limitations:

- (1) The new appropriations in this section are provided solely for the approved list of projects included in LEAP CAPITAL DOCUMENT NO. 4 as developed on May 24, 1995, at 3:00 p.m.
- (2) All land acquired by a state agency with moneys from these appropriations shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW.
- (3) No moneys from the appropriations in this section shall be spent for the Lewis and Clark equestrian area project (project number 92-502A).
- (4) The entire appropriation from the wildlife account is provided solely for the critical habitat project category.

*(5) Acquisitions occurring pursuant to the new appropriation provided in this section shall be deemed public improvements for the purposes of RCW 8.26.180. This subsection shall not be deemed to prevent any state agency from accepting a gift of real property or from purchasing any property at less than fair market value.*

**Reappropriation:**

ORA—State . . . . .	\$ 13,943,479
Habitat Conservation Acct—State . . . .	\$ 9,134,101
Aquatic Lands Acct—State . . . . .	\$ 33,335
St Bidg Constr Acct—State . . . . .	\$ 48,691,974
Subtotal Reappropriation . . . .	\$ 71,802,889

**Appropriation:**

Wildlife Acct—State . . . . .	\$ 1,400,000
Habitat Conservation Acct—State . . . .	\$ 21,100,000
ORA—State . . . . .	\$ 22,500,000
Subtotal Appropriation . . . .	\$ 45,000,000
Prior Biennia (Expenditures) . . . . .	\$ 118,234,493
Future Biennia (Projected Costs) . . . .	\$ 200,000,000
TOTAL . . . . .	\$ 435,037,382

\*Sec. 327 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 328. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Firearms range program (96-2-004)**

**Reappropriation:**

Firearms Range Acct—State . . . . .	\$ 487,382
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**Appropriations:**

Firearms Range Acct—State . . . . .	\$ 900,000
Prior Biennia (Expenditures) . . . . .	\$ 554,621
Future Biennia (Projected Costs) . . . .	\$ 2,249,798
TOTAL . . . . .	\$ 4,191,801

**NEW SECTION. Sec. 329. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Land and water conservation fund (96-2-005)**

**Reappropriation:**

ORA—Federal . . . . .	\$ 2,180,812
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**Appropriation:**

Recreation Resources Acct—Federal . .	\$ 1,050,000
Prior Biennia (Expenditures) . . . . .	\$ 1,341,684
Future Biennia (Projected Costs) . . . .	\$ 4,000,000
TOTAL . . . . .	\$ 8,572,496



**NEW SECTION. Sec. 330. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**National Recreation Trails Act (96-2-006)**

**Reappropriation:**

ORA—Federal	.....	\$	125,000
Prior Biennia (Expenditures)	.....	\$	125,000
Future Biennia (Projected Costs)	.....	\$	<u>0</u>
TOTAL	.....	\$	250,000

**NEW SECTION. Sec. 331. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**Recreational facility acquisition and development projects (96-2-007)**

**Reappropriation:**

St Bidg Constr Acct—State	.....	\$	195,090
Prior Biennia (Expenditures)	.....	\$	0
Future Biennia (Projected Costs)	.....	\$	<u>0</u>
TOTAL	.....	\$	195,090

**NEW SECTION. Sec. 332. FOR THE STATE CONSERVATION COMMISSION**

**Water quality account projects (90-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$2,253,101 of the reappropriation is provided solely for technical assistance and grants for dairy waste management and facility planning and implementation.
- (2) The new appropriation provided in this section shall be allocated by the commission for nonpoint source pollution prevention facilities and activities.

**Reappropriation:**

Water Quality Acct—State	.....	\$	3,360,475
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**Appropriation:**

Water Quality Acct—State	.....	\$	5,500,000
Prior Biennia (Expenditures)	.....	\$	0
Future Biennia (Projected Costs)	.....	\$	<u>10,000,000</u>
TOTAL	.....	\$	18,860,475

**NEW SECTION. Sec. 333. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Devils creek acclimation pond (87-1-001)**

**Reappropriation:**

St Bidg Constr Acct—State	.....	\$	370,000
Prior Biennia (Expenditures)	.....	\$	0

Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	370,000

**NEW SECTION. Sec. 334. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Luhrs Landing Access Interpretive Building (92-5-017)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	345,000
Prior Biennia (Expenditures) . . . . .	\$	105,000
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	450,000

**NEW SECTION. Sec. 335. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Grandy Creek Hatchery (92-5-024)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	4,006,000
Prior Biennia (Expenditures) . . . . .	\$	494,000
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	4,500,000

**NEW SECTION. Sec. 336. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Warm water fish facility:** To purchase and develop property in eastern or central Washington for a warm water fish facility (92-5-025)

The appropriation in this section is subject to the following conditions and limitations:

The appropriations in this section shall not be expended for the purchase of property until the department has made a determination that:

- (1) The water rights to the property being transferred to the department, as part of the purchase agreement, are sufficient to operate the hatchery; and
- (2) The operation of a warm water fish hatchery on the property is feasible.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	1,134,622
Prior Biennia (Expenditures) . . . . .	\$	127,378
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	1,262,000

**NEW SECTION. Sec. 337. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Tideland acquisitions (94-2-003)**

**Reappropriation:**

General Fund—Federal . . . . .	\$	1,664,600
Prior Biennia (Expenditures) . . . . .	\$	3,335,400
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	5,000,000

**NEW SECTION. Sec. 338. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Sprague Lake Access Area development (94-2-008)**

**Reappropriation:**

Wildlife Acct—Federal . . . . .	\$	48,000
ORA—State . . . . .	\$	101,000
Subtotal Reappropriation . . . . .	\$	149,000
Prior Biennia (Expenditures) . . . . .	\$	24,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	173,000

**NEW SECTION. Sec. 339. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Minor works: Preservation (96-1-001)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	624,000
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**Appropriation:**

General Fund—Federal . . . . .	\$	2,000,000
Prior Biennia (Expenditures) . . . . .	\$	4,934,887
Future Biennia (Projected Costs) . . . . .	\$	7,000,000
TOTAL . . . . .	\$	14,558,887

**NEW SECTION. Sec. 340. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Underground storage tank (UST) removal and replacement (96-1-002)**

The appropriations in this section are subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	100,000
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**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	200,000
Prior Biennia (Expenditures) . . . . .	\$	1,299,000

Future Biennia (Projected Costs) . . . . .	\$	<u>200,000</u>
TOTAL . . . . .	\$	1,799,000

**NEW SECTION. Sec. 341. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Emergency repair (96-1-003)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	650,000
Prior Biennia (Expenditures) . . . . .	\$	1,200,000
Future Biennia (Projected Costs) . . . . .	\$	<u>2,750,000</u>
TOTAL . . . . .	\$	4,600,000

**NEW SECTION. Sec. 342. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Facilities renovation (96-1-004)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) No funds will be provided to increase residential capacity at any state hatchery facility.
- (2) The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	130,000
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**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	1,000,000
Prior Biennia (Expenditures) . . . . .	\$	3,056,300
Future Biennia (Projected Costs) . . . . .	\$	<u>4,700,000</u>
TOTAL . . . . .	\$	8,886,300

**NEW SECTION. Sec. 343. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Hatchery renovation (96-1-005)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) No funds will be provided to increase residential capacity at any state hatchery facility.
- (2) The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	2,880,000
Wildlife Acct—Federal . . . . .	\$	<u>120,000</u>
Subtotal Reappropriation . . . . .	\$	3,000,000

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	3,200,000
Prior Biennia (Expenditures) . . . . .	\$	4,626,155
Future Biennia (Projected Costs) . . . . .	\$	<u>15,000,000</u>
TOTAL . . . . .	\$	25,826,155

**NEW SECTION. Sec. 344. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Recreational access redevelopment (96-1-007)**

**Reappropriation:**

Wildlife Acct—Federal . . . . .	\$	75,000
ORA—State . . . . .	\$	<u>172,903</u>
Subtotal Reappropriation . . . . .	\$	247,903

**Appropriation:**

General Fund—Federal . . . . .	\$	500,000
St Bldg Constr Acct—State . . . . .	\$	<u>250,000</u>
Subtotal Appropriation . . . . .	\$	750,000
Prior Biennia (Expenditures) . . . . .	\$	2,741,629
Future Biennia (Projected Costs) . . . . .	\$	<u>3,250,000</u>
TOTAL . . . . .	\$	6,989,532

**NEW SECTION. Sec. 345. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Shellfish laboratory and hatchery upgrades (96-1-009)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	300,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	300,000

**NEW SECTION. Sec. 346. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Wildlife area renovation (96-1-010)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	275,000
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**Appropriation:**

General Fund—Federal . . . . .	\$	50,000
Wildlife Acct—State . . . . .	\$	<u>625,000</u>
Subtotal Appropriation . . . . .	\$	675,000
Prior Biennia (Expenditures) . . . . .	\$	764,000
Future Biennia (Projected Costs) . . . . .	\$	<u>2,950,000</u>
TOTAL . . . . .	\$	4,664,000

**NEW SECTION. Sec. 347. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Issaquah Hatchery Utilization Study and Improvements:** To prepare a facilities master plan for the hatchery and for improvements to the hatchery, its water supply, and in-stream fish passage facilities (96-1-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$150,000.00 of the state building construction account appropriation is provided solely for the master plan for the improvements to the hatchery. The master plan's primary consideration is to identify, prioritize, and design improvements which will aid in the continued production of salmon at this facility. The master plan shall also focus on improvements which will enable this facility with the merger of the departments to aid in wild stock restoration for migratory fish species previously under management of the department of wildlife. It shall also consider the educational, cultural, watershed management, research, tourism, tribal interests, and community development aspects of the hatchery. This master plan shall incorporate participation and recommendations from the Issaquah fishery management task force. A report is due to the legislature by January 1996.

(2) State dollars for construction and improvements shall be matched by at least \$1.00 from nonstate sources for each dollar provided by the state. Up to \$150,000.00 of the construction and improvement appropriation shall be immediately released and combined with matching funds to expedite in-stream improvements which meet the following criteria: Improvements will be designed and constructed which: (a) Facilitate better fish passage for utilization of up-stream habitat; (b) provide for flexible management strategies for a variety of fish stocks including small runs, threatened or endangered species and game fish; (c) minimally impact future operating expenses while reaching these objectives; and (d) provide for raising of the pumps at the lower intake and make other improvements which protect in-stream structures from seasonal high water.

(3) The remainder of the funds may be spent for hatchery improvements following approval of the master plan by the office of financial management.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	650,000
General Fund—Private Local . . . . .	\$	<u>500,000</u>
Subtotal Appropriation . . . . .	\$	1,150,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	1,150,000

**NEW SECTION. Sec. 348. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Coast and Puget Sound salmon enhancement and wildstock restoration habitat (96-2-012)**

<b>Reappropriation:</b>	
St Bldg Constr Acct—State . . . . .	\$ 1,100,000
<b>Appropriation:</b>	
General Fund—Federal . . . . .	\$ 800,000
St Bldg Constr Acct—State . . . . .	\$ 3,645,000
General Fund—Private/Local . . . . .	\$ 800,000
Subtotal Appropriation . . . . .	\$ 5,245,000
Prior Biennia (Expenditures) . . . . .	\$ 6,770,000
Future Biennia (Projected Costs) . . . . .	\$ 15,500,000
TOTAL . . . . .	\$ 28,615,000

**NEW SECTION. Sec. 349. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Coast and Puget Sound wildstock restoration: Hatchery improvements (96-2-013)**

<b>Reappropriation:</b>	
St Bldg Constr Acct—State . . . . .	\$ 400,000
<b>Appropriation:</b>	
General Fund—Federal . . . . .	\$ 700,000
St Bldg Constr Acct—State . . . . .	\$ 800,000
Subtotal Appropriation . . . . .	\$ 1,500,000
Prior Biennia (Expenditures) . . . . .	\$ 3,280,000
Future Biennia (Projected Costs) . . . . .	\$ 4,000,000
TOTAL . . . . .	\$ 9,180,000

**NEW SECTION. Sec. 350. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Fish protection facilities (96-2-014)**

<b>Reappropriation:</b>	
St Bldg Constr Acct—State . . . . .	\$ 50,000
<b>Appropriation:</b>	
General Fund—Federal . . . . .	\$ 2,075,000
General Fund—Private/Local . . . . .	\$ 200,000
Subtotal Appropriation . . . . .	\$ 2,275,000
Prior Biennia (Expenditures) . . . . .	\$ 2,656,000
Future Biennia (Projected Costs) . . . . .	\$ 10,830,000
TOTAL . . . . .	\$ 15,811,000

**NEW SECTION. Sec. 351. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Game farm renovation (96-2-015)**

**Appropriation:**

Wildlife Acct—State . . . . .	\$	700,000
Prior Biennia (Expenditures) . . . . .	\$	1,125,000
Future Biennia (Projected Costs) . . . . .	\$	600,000
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>2,425,000</b>

**NEW SECTION. Sec. 352. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Nemah Hatchery Building and incubation system replacement (96-1-006)**

**Appropriation:**

General Fund—Federal . . . . .	\$	1,700,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>1,700,000</b>

**NEW SECTION. Sec. 353. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Minter Creek Hatchery phase 2 (96-2-019)**

Funding from this appropriation shall not be used to construct agency residential structures at the hatchery.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	10,000
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**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	800,000
Prior Biennia (Expenditures) . . . . .	\$	4,329,000
Future Biennia (Projected Costs) . . . . .	\$	200,000
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>5,339,000</b>

**NEW SECTION. Sec. 354. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**State-wide fencing renovation and construction (96-2-020)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	175,000
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**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	575,000
Prior Biennia (Expenditures) . . . . .	\$	1,875,000
Future Biennia (Projected Costs) . . . . .	\$	2,650,000
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>5,275,000</b>

**NEW SECTION. Sec. 355. FOR THE DEPARTMENT OF FISH AND WILDLIFE**



**Clam and oyster heach enhancement (96-2-021)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 400,000

**Appropriation:**

Aquatic Lands Acct—State . . . . . \$ 500,000

Prior Biennia (Expenditures) . . . . . \$ 2,716,201

Future Biennia (Projected Costs) . . . . . \$ 2,000,000

TOTAL . . . . . \$ 5,616,201

**NEW SECTION. Sec. 356. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Migratory waterfowl habitat and acquisition and development (96-2-024)**

**Appropriation:**

Wildlife Acct—State . . . . . \$ 500,000

Prior Biennia (Expenditures) . . . . . \$ 1,299,335

Future Biennia (Projected Costs) . . . . . \$ 2,000,000

TOTAL . . . . . \$ 3,799,335

**NEW SECTION. Sec. 357. FOR THE DEPARTMENT OF FISII AND WILDLIFE**

**Mitigation projects (96-2-025)**

**Reappropriation:**

Special Wildlife Acct—Private/Local . . \$ 871,000

**Appropriation:**

Special Wildlife Acct—State . . . . . \$ 50,000

General Fund—Federal . . . . . \$ 6,000,000

General Fund—Private/Local . . . . . \$ 5,000,000

Subtotal Appropriation . . . . . \$ 11,050,000

Prior Biennia (Expenditures) . . . . . \$ 54,000

Future Biennia (Projected Costs) . . . . . \$ 64,250,000

TOTAL . . . . . \$ 76,225,000

**NEW SECTION. Sec. 358. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Water access and development (96-2-027)**

**Reappropriation:**

ORA—State . . . . . \$ 1,170,000

Prior Biennia (Expenditures) . . . . . \$ 694,600

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 1,864,600

**NEW SECTION. Sec. 359. FOR THE DEPARTMENT OF FISH AND WILDLIFE****Recreational fish enhancement (96-2-028)****Reappropriation:**

Rec Fisheries Enh Acct—State . . . . .	\$	150,000
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**Appropriation:**

Rec Fisheries Enh Acct—State . . . . .	\$	1,000,000
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Prior Biennia (Expenditures) . . . . .	\$	150,000
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Future Biennia (Projected Costs) . . . . .	\$	8,000,000
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TOTAL . . . . .	\$	9,300,000
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**NEW SECTION. Sec. 360. FOR THE DEPARTMENT OF NATURAL RESOURCES****Emergency repairs—Recreation sites (96-1-001)****Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	120,000
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Prior Biennia (Expenditures) . . . . .	\$	100,000
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Future Biennia (Projected Costs) . . . . .	\$	480,000
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TOTAL . . . . .	\$	700,000
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**NEW SECTION. Sec. 361. FOR THE DEPARTMENT OF NATURAL RESOURCES****Recreation health and safety improvements (96-1-003)****Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	300,000
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Prior Biennia (Expenditures) . . . . .	\$	300,000
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Future Biennia (Projected Costs) . . . . .	\$	1,200,000
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TOTAL . . . . .	\$	1,800,000
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**NEW SECTION. Sec. 362. FOR THE DEPARTMENT OF NATURAL RESOURCES****Natural area preserve and natural resource conservation area Management (96-1-004)****Appropriation:**

St Bidg Constr Acct—State . . . . .	\$	350,000
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Prior Biennia (Expenditures) . . . . .	\$	350,000
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Future Biennia (Projected Costs) . . . . .	\$	1,400,000
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TOTAL . . . . .	\$	2,100,000
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**NEW SECTION. Sec. 363. FOR THE DEPARTMENT OF NATURAL RESOURCES****Emergency repairs (96-1-006)**

**Appropriation:**

For Dev Acct—State . . . . .	\$	53,000
Res Mgmt Cost Acct—State . . . . .	\$	195,100
St Bldg Constr Acct—State . . . . .	\$	<u>30,000</u>
Subtotal Appropriation . . . . .	\$	278,100
Prior Biennia (Expenditures) . . . . .	\$	147,700
Future Biennia (Projected Costs) . . . . .	\$	<u>1,112,400</u>
TOTAL . . . . .	\$	1,538,200

**NEW SECTION. Sec. 364. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Minor works: Preservation (96-1-112)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

For Dev Acct—State . . . . .	\$	165,200
Res Mgmt Cost Acct—State . . . . .	\$	611,100
St Bldg Constr Acct—State . . . . .	\$	<u>250,000</u>
Subtotal Appropriation . . . . .	\$	1,026,300
Prior Biennia (Expenditures) . . . . .	\$	494,800
Future Biennia (Projected Costs) . . . . .	\$	<u>4,105,200</u>
TOTAL . . . . .	\$	5,626,300

**NEW SECTION. Sec. 365. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Small repairs and improvement (96-1-113)**

**Appropriation:**

For Dev Acct—State . . . . .	\$	14,500
Res Mgmt Cost Acct—State . . . . .	\$	<u>54,500</u>
Subtotal Appropriation . . . . .	\$	69,000
Prior Biennia (Expenditures) . . . . .	\$	69,000
Future Biennia (Projected Costs) . . . . .	\$	<u>276,000</u>
TOTAL . . . . .	\$	414,000

**NEW SECTION. Sec. 366. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Hazardous waste cleanup (96-1-114)**

**Appropriation:**

For Dev Acct—State . . . . .	\$	100,000
Res Mgmt Cost Acct—State . . . . .	\$	<u>200,000</u>

Subtotal Appropriation . . . . .	\$	300,000
Prior Biennia (Expenditures) . . . . .	\$	450,000
Future Biennia (Projected Costs) . . . . .	\$	1,200,000
TOTAL . . . . .	\$	1,950,000

**NEW SECTION. Sec. 367. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Irrigation repairs and replacements (96-1-115)**

**Appropriation:**

Res Mgmt Cost Acct—State . . . . .	\$	235,000
Prior Biennia (Expenditures) . . . . .	\$	730,000
Future Biennia (Projected Costs) . . . . .	\$	2,375,000
TOTAL . . . . .	\$	3,340,000

**NEW SECTION. Sec. 368. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Repair, maintenance, and tenant improvements on state trust lease properties (96-1-117)**

**Appropriation:**

Res Mgmt Cost Acct—State . . . . .	\$	600,000
Prior Biennia (Expenditures) . . . . .	\$	862,000
Future Biennia (Projected Costs) . . . . .	\$	2,700,000
TOTAL . . . . .	\$	4,162,000

**NEW SECTION. Sec. 369. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Communication site repair (96-1-119)**

**Appropriation:**

For Dev Acct—State . . . . .	\$	25,000
Res Mgmt Cost Acct—State . . . . .	\$	25,000
Subtotal Appropriation . . . . .	\$	50,000
Prior Biennia (Expenditures) . . . . .	\$	300,000
Future Biennia (Projected Costs) . . . . .	\$	700,000
TOTAL . . . . .	\$	1,050,000

**NEW SECTION. Sec. 370. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Road and bridge construction (96-2-001)**

**Appropriation:**

For Dev Acct—State . . . . .	\$	241,750
Res Mgmt Cost Acct—State . . . . .	\$	678,450

Subtotal Appropriation . . . . .	\$	920,200
Prior Biennia (Expenditures) . . . . .	\$	1,655,500
Future Biennia (Projected Costs) . . . . .	\$	3,835,000
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>6,410,700</b>

**NEW SECTION. Sec. 371. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Region administrative facilities expansion (96-2-002)**

**Appropriation:**

For Dev Acct—State . . . . .	\$	294,488
Res Mgmt Cost Acct—State . . . . .	\$	390,584
General Fund—Federal . . . . .	\$	400,000
Subtotal Appropriation . . . . .	\$	1,085,072
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	5,890,400
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>6,975,472</b>

**NEW SECTION. Sec. 372. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Minor works: Program (96-2-004)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

For Dev Acct—State . . . . .	\$	152,900
Res Mgmt Cost Acct—State . . . . .	\$	574,800
St Bldg Constr Acct—State . . . . .	\$	100,000
Subtotal Appropriation . . . . .	\$	827,700
Prior Biennia (Expenditures) . . . . .	\$	99,500
Future Biennia (Projected Costs) . . . . .	\$	4,110,800
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>5,038,000</b>

**NEW SECTION. Sec. 373. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Land bank program to enhance trust land holdings (96-2-005)**

**Appropriation:**

Res Mgmt Cost Acct—State . . . . .	\$	15,000,000
Prior Biennia (Expenditures) . . . . .	\$	19,698,000
Future Biennia (Projected Costs) . . . . .	\$	60,000,000
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>94,698,000</b>

**NEW SECTION. Sec. 374. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Right of way acquisition (96-2-006)**

**Appropriation:**

For Dev Acct—State . . . . .	\$	500,000
Res Mgmt Cost Acct—State . . . . .	\$	500,000
Subtotal Appropriation . . . . .	\$	1,000,000
Prior Biennia (Expenditures) . . . . .	\$	1,498,000
Future Biennia (Projected Costs) . . . . .	\$	4,400,000
TOTAL . . . . .	\$	6,898,000

**NEW SECTION. Sec. 375. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Irrigation development (96-2-007)**

**Appropriation:**

Res Mgmt Cost Acct—State . . . . .	\$	400,000
Prior Biennia (Expenditures) . . . . .	\$	336,000
Future Biennia (Projected Costs) . . . . .	\$	4,000,000
TOTAL . . . . .	\$	4,736,000

**NEW SECTION. Sec. 376. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Communication site construction—Various (96-2-008)**

**Appropriation:**

For Dev Acct—State . . . . .	\$	460,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	1,310,000
TOTAL . . . . .	\$	1,770,000

**NEW SECTION. Sec. 377. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Mineral resource testing (96-2-009)**

**Reappropriation:**

For Dev Acct—State . . . . .	\$	10,000
Res Mgmt Cost Acct—State . . . . .	\$	10,000
Subtotal Reappropriation . . . . .	\$	20,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	80,000
TOTAL . . . . .	\$	100,000

**NEW SECTION. Sec. 378. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Commercial development: Local improvement districts (96-2-010)**

**Appropriation:**

Res Mgmt Cost Acct—State . . . . .	\$	470,000
Prior Biennia (Expenditures) . . . . .	\$	860,000
Future Biennia (Projected Costs) . . . . .	\$	<u>2,420,000</u>
TOTAL . . . . .	\$	3,750,000

**NEW SECTION. Sec. 379. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Aquatic lands enhancement grants (96-2-012)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for grant funding from the new appropriation in this section in the amounts indicated:

		Amount
Alki/Harbor/Duwamish Corridor, City of Seattle	\$	200,000
ASARCO, Town of Ruston	\$	100,000
Cape Flattery, Makah Tribe	\$	200,000
Columbia River Renaissance, City of Vancouver	\$	2,800,000
Columbia River Trail, East Wenatchee	\$	100,000
Columbia River Trail Phase 2, LOOP Coalition	\$	400,000
Cooperative Environmental Education, North Mason School District	\$	300,000
Duckabush River, Jefferson County	\$	350,000
Latah Creek, City of Spokane	\$	300,000
Little Spokane River, Spokane County	\$	300,000
Odyssey Maritime Museum, Port of Seattle	\$	1,000,000
Raymond Waterfront Park, City of Raymond	\$	200,000
Seattle Aquarium, City of Seattle	\$	300,000
South Lake Union, City of Seattle	\$	200,000
Statewide Competitive Small Grant Program	\$	500,000
Stevenson Waterfront Park, Port of Skamania	\$	<u>75,000</u>
Total	\$	7,300,000

(2) Grant funding shall be distributed based on the order in which projects are ready to proceed, as determined by the department, and the availability of funds.

(3) The department shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 1997-99 capital budget. The list shall result from a competitive grants program developed by the department based upon, at a minimum: A uniform criteria for the selection of projects and awarding of grants for up to fifty percent of the total project cost; local

community support for the project; and a state-wide geographic distribution of projects.

<b>Reappropriation:</b>	
Aquatic Lands Acct—State . . . . .	\$ 2,500,000
<b>Appropriation:</b>	
Aquatic Lands Acct—State . . . . .	\$ 4,500,000
Prior Biennia (Expenditures) . . . . .	\$ 276,000
Future Biennia (Projected Costs) . . . . .	\$ 12,000,000
TOTAL . . . . .	\$ 19,276,000

**NEW SECTION. Sec. 380. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Natural resources real property replacement account (96-2-013)**

<b>Appropriation:</b>	
Nat Res Prop Repl Acct—State . . . . .	\$ 25,000,000
Prior Biennia (Expenditures) . . . . .	\$ 30,826,750
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	\$ 55,826,750

**NEW SECTION. Sec. 381. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Seattle waterfront phase 2 development (96-2-014)**

<b>Reappropriation:</b>	
ORA—State . . . . .	\$ 1,562,835
Prior Biennia (Expenditures) . . . . .	\$ 84,765
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	\$ 1,647,600

**PART 4  
TRANSPORTATION**

**NEW SECTION. Sec. 401. FOR THE WASHINGTON STATE PATROL**

**To construct a new crime laboratory in Tacoma (92-2-003)**

<b>Reappropriation:</b>	
St Bldg Constr Acct—State . . . . .	\$ 172,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	\$ 172,000

**NEW SECTION. Sec. 402. FOR THE WASHINGTON STATE PATROL**

**Spokane Crime Laboratory: Predesign (96-2-009)**



To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	80,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	5,500,000
TOTAL . . . . .	\$	5,580,000

**NEW SECTION. Sec. 403. FOR THE WASHINGTON STATE PATROL**

**Fire Training Academy: Preservation (94-1-016)**

The appropriation in this section is subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	1,221,018
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**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	1,500,000
Prior Biennia (Expenditures) . . . . .	\$	128,982
Future Biennia (Projected Costs) . . . . .	\$	1,200,000
TOTAL . . . . .	\$	4,050,000

**NEW SECTION. Sec. 404. FOR THE WASHINGTON STATE PATROL**

**Fire Training Academy Portable Building Improvements (96-2-999)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	99,410
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	99,410

**PART 5  
EDUCATION**

**NEW SECTION. Sec. 501. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (85-2-001)**

**Reappropriation:**

Common School Constr Fund—State . .	\$	335,780
Prior Biennia (Expenditures) . . . . .	\$	656,119
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL .....	\$	991,899
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**NEW SECTION. Sec. 502. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (87-2-001)**

**Reappropriation:**

Common School Constr Fund—State ..	\$	1,473,203
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Prior Biennia (Expenditures) .....	\$	2,193,257
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Future Biennia (Projected Costs) .....	\$	0
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TOTAL .....	\$	3,666,460
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**NEW SECTION. Sec. 503. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (89-2-001)**

**Reappropriation:**

Common School Constr Fund—State ..	\$	1,573,705
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Prior Biennia (Expenditures) .....	\$	24,362,530
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Future Biennia (Projected Costs) .....	\$	0
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TOTAL .....	\$	25,936,235
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**NEW SECTION. Sec. 504. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (89-2-002)**

**Reappropriation:**

Common School Constr Fund—State ..	\$	1,730,000
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Prior Biennia (Expenditures) .....	\$	17,521,803
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Future Biennia (Projected Costs) .....	\$	0
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TOTAL .....	\$	19,251,803
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**NEW SECTION. Sec. 505. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (89-2-003)**

**Reappropriation:**

Common School Constr Fund—State ..	\$	4,211,005
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Prior Biennia (Expenditures) .....	\$	41,637,585
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Future Biennia (Projected Costs) .....	\$	0
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TOTAL .....	\$	45,848,590
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**NEW SECTION. Sec. 506. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (91-2-001)**

**Reappropriation:**

<b>Common School Reimb Constr Acct—</b>	
State .....	\$ 5,443,735
<b>Common School Constr Fund—State ..</b>	<b>\$ 6,115,606</b>
Subtotal Reappropriation ....	\$ 11,559,341
Prior Biennia (Expenditures) .....	\$ 78,816,301
Future Biennia (Projected Costs) .....	\$ 0
<b>TOTAL .....</b>	<b>\$ 90,375,642</b>

**NEW SECTION. Sec. 507. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (94-2-001)**

**Reappropriation:**

<b>Common School Constr Fund—State ..</b>	<b>\$ 59,729,325</b>
<b>St Bldg Constr Acct—State .....</b>	<b>\$ 27,004,958</b>
Subtotal Reappropriation ....	\$ 86,734,283
Prior Biennia (Expenditures) .....	\$ 60,102,660
Future Biennia (Projected Costs) .....	\$ 0
<b>TOTAL .....</b>	<b>\$ 146,836,943</b>

**NEW SECTION. Sec. 508. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (96-2-001)**

The appropriations in this subsection are subject to the following conditions and limitations:

- (1) Not more than \$210,000,000 from this appropriation may be obligated in fiscal year 1996 for school district project design and construction.
- (2) A maximum of \$630,000 may be expended for three full-time equivalent field staff with construction and architectural experience to assist in evaluation project requests and reviewing information reported by school districts and certifying the building condition data submitted by school districts.
- (3) From the appropriation in this section the state board shall maintain a reserve contingency fund for emergency repair projects for school buildings which present imminent health and safety hazards to building occupants. Expenditures shall not exceed \$5,000,000 per fiscal year. The board shall establish policies for recovery of expenditures from subsequent releases of funds approved by the school board to any school district receiving funds under this subsection (3), from any insurance payments for the same repair projects for which a school district has received funds under this subsection (3), and from local funding sources.
- (4) \$250,000 of the appropriation in this section may be expended for the office of the superintendent of public instruction and the office of financial management to jointly contract with qualified specially trained teams to conduct a value engineering and a constructability review on at least five pilot school

facility construction projects. The purpose of the pilot program is to determine the potential advantages and savings of value engineering and constructability review processes on school facility construction. The pilot projects shall be wholly paid from this appropriation without a requirement for local matching, and project sites shall be selected jointly by the superintendent of public instruction and the office of financial management on the basis of size, geographical area, and grade level. The results of the pilot program and recommendations on the use of value engineering and constructability reviews and how the current value engineering process can be improved shall be reported to the state board of education and the legislature by January 1997.

(5) The state board shall conduct a study of school districts with less than twenty-five percent taxable property in the district. The study shall identify the school districts with less than twenty-five percent taxable property and for the identified districts calculate the percentage of state match for financial assistance for school facilities, compare the school levy rate per one thousand dollars of taxable property to the state average, verify the number of unhoused students, and make an assessment of the condition of existing school buildings in the district. The state board shall make recommendations to the 1996 legislature on potential state policy changes.

**Appropriation:**

Common School Constr Fund—State . .	\$ 265,600,000
St Bldg Constr Acct—State . . . . .	\$ 100,000,000
Subtotal Appropriation . . . . .	\$ 365,600,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	\$ 365,600,000

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

**School facilities staff:** To fund the direct costs of state administration of school construction funding (96-2-001)

The appropriation in this subsection is subject to the following conditions and limitations:

(1) Up to \$100,000 of the common school construction fund appropriation is provided to complete the facility condition management database begun in the 1993-95 biennium.

(2) \$1,639,000 is provided solely for in-house or contracted technical assistance to school districts for evaluation, response and prevention of situations which present life or safety threats, fire hazard, or deficiencies relating to utility and electrical standards.

**Appropriation:**

Common School Constr Fund—State . .	\$ 3,000,000
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>5,444,000</u>
TOTAL . . . . .	\$	8,444,000

**NEW SECTION. Sec. 510. FOR THE STATE BOARD OF EDUCATION**

**Clover Park School District transportation facilities (96-1-101)**

The appropriation in this section is provided for design of a renovation project for a transportation-maintenance complex as described in the memorandum of understanding between the Clover Park technical college and the Clover Park school district. Future state appropriations for this project shall be matched by an equal amount from local funds.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	300,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>7,200,000</u>
TOTAL . . . . .	\$	7,500,000

**NEW SECTION. Sec. 511. FOR THE STATE SCHOOL FOR THE BLIND**

**Old Main: Seismic stabilization (96-1-001)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	850,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	850,000

**NEW SECTION. Sec. 512. FOR THE STATE SCHOOL FOR THE BLIND**

**Minor works: Preservation (96-1-002)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	400,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>2,340,000</u>
TOTAL . . . . .	\$	2,740,000

**NEW SECTION. Sec. 513. FOR THE STATE SCHOOL FOR THE DEAF**

**Minor works: Preservation (96-1-001)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	570,000
Prior Biennia (Expenditures) . . . . .	\$	0

Future Biennia (Projected Costs) . . . . .	\$	<u>2,925,000</u>
TOTAL . . . . .	\$	3,495,000

**NEW SECTION. Sec. 514. FOR THE STATE SCHOOL FOR THE DEAF**

**MacDonald and Deer Halls: Elevators (96-2-002)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	<b>550,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	550,000

**NEW SECTION. Sec. 515. FOR THE UNIVERSITY OF WASHINGTON**

**Power plant hoiler (88-2-022)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	<b>6,400,000</b>
Prior Biennia (Expenditures) . . . . .	\$	9,805,653
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	16,205,653

**NEW SECTION. Sec. 516. FOR THE UNIVERSITY OF WASHINGTON**

**Power generation, chiller, data communications, electrical distribution (90-2-001)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	<b>1,175,700</b>
Prior Biennia (Expenditures) . . . . .	\$	3,703,053
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	4,878,753

**NEW SECTION. Sec. 517. FOR THE UNIVERSITY OF WASHINGTON**

**Chemistry Building: Construction (90-2-011)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	<b>200,000</b>
Prior Biennia (Expenditures) . . . . .	\$	38,952,000
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL . . . . . \$ 39,152,000

**NEW SECTION. Sec. 518. FOR THE UNIVERSITY OF WASHINGTON**

**Electrical Engineering and Computer Sciences Engineering Building: Construction (90-2-013)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$ 80,000,000
Prior Biennia (Expenditures) . . . . .	\$ 14,869,028
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	\$ 94,869,028

**NEW SECTION. Sec. 519. FOR THE UNIVERSITY OF WASHINGTON**

**Physics/Astronomy building construction (90-2-009)**

**Reappropriation:**

H Ed Reimb Constr Acct . . . . .	\$ 3,000,000
Prior Biennia (Expenditures) . . . . .	\$ 69,564,000
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	\$ 72,564,000

**NEW SECTION. Sec. 520. FOR THE UNIVERSITY OF WASHINGTON**

**Old Physics Hall: Design and construction (92-2-008)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

UW Bldg Acct—State . . . . .	\$ 1,650,000
St Bldg Constr Acct—State . . . . .	\$ 32,544,400
Subtotal Reappropriation . . . . .	\$ 34,194,400
Prior Biennia (Expenditures) . . . . .	\$ 912,600
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	\$ 35,107,000

**NEW SECTION. Sec. 521. FOR THE UNIVERSITY OF WASHINGTON**

**Ocean and Fishery Sciences II: Predesign (92-2-027)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$ 1,065,300
Prior Biennia (Expenditures) . . . . .	\$ 784,700
Future Biennia (Projected Costs) . . . . .	\$ <u>0</u>
TOTAL . . . . .	\$ 1,850,000

**NEW SECTION. Sec. 522. FOR THE UNIVERSITY OF WASHINGTON****Harhorview Medical Center research (94-2-013)****Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$ 3,100,000
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**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$ 9,000,000
H Ed Constr Acct . . . . .	\$ <u>10,000,000</u>

Subtotal Appropriation . . . . .	\$ 19,000,000
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Prior Biennia (Expenditures) . . . . .	\$ 520,000
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Future Biennia (Projected Costs) . . . . .	\$ <u>56,380,000</u>
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TOTAL . . . . .	\$ 79,000,000
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**NEW SECTION. Sec. 523. FOR THE UNIVERSITY OF WASHINGTON****Parrington Hall: Exterior and seismic repair (92-3-018)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

UW Bldg Acct—State . . . . .	\$ 5,008,499
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Prior Biennia (Expenditures) . . . . .	\$ 264,001
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Future Biennia (Projected Costs) . . . . .	\$ <u>0</u>
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TOTAL . . . . .	\$ 5,272,500
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**NEW SECTION. Sec. 524. FOR THE UNIVERSITY OF WASHINGTON****Henry Gallery: Addition (93-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) The reappropriation in this section shall be matched by at least \$4,050,000 in cash provided from nonstate sources.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$ 7,504,300
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Prior Biennia (Expenditures) . . . . .	\$ 811,700
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Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	8,316,000

**NEW SECTION. Sec. 525. FOR THE UNIVERSITY OF WASHINGTON**

**Burke Museum:** To study the museum's space needs, long-term physical facilities needs, and options for future expansion (93-2-002) and for exhibit renovation (94-1-002)

\$1,846,500 of the reappropriation in this section is for the exhibit renovation and shall be matched by at least \$615,000 from other sources for the same purpose.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	2,031,000
Prior Biennia (Expenditures) . . . . .	\$	369,000
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	2,400,000

**NEW SECTION. Sec. 526. FOR THE UNIVERSITY OF WASHINGTON**

**Business Administration: Expansion (93-2-006)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) The reappropriation in this section shall be matched by at least \$7,500,000 in cash provided from nonstate sources.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	6,600,000
Prior Biennia (Expenditures) . . . . .	\$	900,000
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	7,500,000

**NEW SECTION. Sec. 527. FOR THE UNIVERSITY OF WASHINGTON**

**Minor repairs: Preservation (94-1-003)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	11,240,000
UW Bldg Acct—State . . . . .	\$	<u>276,400</u>
Subtotal Reappropriation . . . . .	\$	11,516,400
Prior Biennia (Expenditures) . . . . .	\$	6,464,876
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	17,981,276

NEW SECTION. Sec. 528. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs (94-1-004)

Reappropriation:

UW Bldg Acct—State . . . . .	\$	6,850,000
Prior Biennia (Expenditures) . . . . .	\$	5,757,630
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	12,607,630

NEW SECTION. Sec. 529. FOR THE UNIVERSITY OF WASHINGTON

Americans with Disabilities Act (94-5-001)

Reappropriation:

St Bldg Constr Acct—State . . . . .	\$	200,000
Prior Biennia (Expenditures) . . . . .	\$	1,325,150
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,525,150

NEW SECTION. Sec. 530. FOR THE UNIVERSITY OF WASHINGTON

Utilities projects (94-1-008)

Reappropriation:

St Bldg Constr Acct—State . . . . .	\$	800,000
Prior Biennia (Expenditures) . . . . .	\$	1,396,009
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	2,196,009

NEW SECTION. Sec. 531. FOR THE UNIVERSITY OF WASHINGTON

Infrastructure projects: Savings (94-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct—State . . . . .	\$	1
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	1

**NEW SECTION. Sec. 532. FOR THE UNIVERSITY OF WASHINGTON**

**Minor repairs (94-2-005)**

**Reappropriation:**

UW Bldg Acct—State . . . . .	\$	5,200,000
Prior Biennia (Expenditures) . . . . .	\$	1,871,000
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	7,071,000

**NEW SECTION. Sec. 533. FOR THE UNIVERSITY OF WASHINGTON**

**Tacoma Branch Campus—Phase II: Predesign (94-2-500)**

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board.

(2) The appropriation in this section is subject to the review and allotment procedures under sections 813 and 815 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	33,455,244
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**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	5,700,000
Prior Biennia (Expenditures) . . . . .	\$	17,738,913
Future Biennia (Projected Costs) . . . . .	\$	<u>35,320,000</u>
TOTAL . . . . .	\$	92,214,157

**NEW SECTION. Sec. 534. FOR THE UNIVERSITY OF WASHINGTON**

**Suzzallo Library renovation—Phase I design:** To design the phase I remodeling of the 1925, 1935, and 1963 building and additions to address structural, mechanical, electrical, and life safety deficiencies (94-1-015)

The appropriation in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under section 813 of this act.

**Appropriation:**

UW Bldg Acct—State . . . . .	\$	717,600
St Bldg Constr Acct—State . . . . .	\$	2,142,275

Subtotal Appropriation . . . . .	\$	2,859,875
Prior Biennia (Expenditures) . . . . .	\$	517,750
Future Biennia (Projected Costs) . . . . .	\$	29,076,925
TOTAL . . . . .	\$	32,454,550

**NEW SECTION. Sec. 535. FOR THE UNIVERSITY OF WASHINGTON**

**Minor safety repairs: Preservation (96-1-001)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	3,700,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	16,000,000
TOTAL . . . . .	\$	19,700,000

**NEW SECTION. Sec. 536. FOR THE UNIVERSITY OF WASHINGTON**

**Minor works: Building renewal (96-1-002)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

UW Bldg Acct—State . . . . .	\$	7,047,000
St Bldg Constr Acct—State . . . . .	\$	2,000,000
Subtotal Appropriation . . . . .	\$	9,047,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	53,000,000
TOTAL . . . . .	\$	62,047,000

**NEW SECTION. Sec. 537. FOR THE UNIVERSITY OF WASHINGTON**

**Minor works: Utility infrastructure (96-1-004)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	5,900,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	26,000,000
TOTAL . . . . .	\$	31,900,000

**NEW SECTION. Sec. 538. FOR THE UNIVERSITY OF WASHINGTON**

**Law School Building—Design and development:** To design a new law school and law library facility

In addition to any state appropriation for this project, at least one-third of the cost of this project, including the costs of design, construction and consulting services, shall be derived from private matching funds. The appropriation in this section shall not be expended on design documents until the University of Washington has secured \$10,000,000 in private matching funds. Such funds, in the form of cash or written pledges, must be secured by no later than July 1, 1997. In the event \$10,000,000 is not secured by that date, the appropriation in this section shall be null and void.

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

UW Bldg Acct—State . . . . .	\$ 1,140,000
Prior Biennia (Expenditures) . . . . .	\$ 128,000
Future Biennia (Projected Costs) . . . . .	\$ <u>33,860,000</u>
<b>TOTAL . . . . .</b>	<b>\$ 35,128,000</b>

**NEW SECTION. Sec. 539. FOR THE UNIVERSITY OF WASHINGTON**

**Health Sciences Center BB Tower Elevators—Design and construction:** To design and construct the addition of one elevator and upgrading of the existing elevators in the health sciences center BB-wing and tower (96-1-013)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

UW Bldg Acct—State . . . . .	\$ 210,700
St Bldg Constr Acct—State . . . . .	\$ <u>4,981,900</u>
Subtotal Appropriation . . . . .	\$ 5,192,600
Prior Biennia (Expenditures) . . . . .	\$ 117,000
Future Biennia (Projected Costs) . . . . .	\$ <u>0</u>
<b>TOTAL . . . . .</b>	<b>\$ 5,309,600</b>

**NEW SECTION. Sec. 540. FOR THE UNIVERSITY OF WASHINGTON**

**Health Sciences Center D-Wing Dent Student Lah:** Design and construction (96-1-016)

**Appropriation:**

UW Bldg Acct—State . . . . .	\$ 112,100
St Bidg Constr Acct—State . . . . .	\$ 2,905,000

Subtotal Appropriation . . . . .	\$	3,017,100
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	3,017,100

**NEW SECTION. Sec. 541. FOR THE UNIVERSITY OF WASHINGTON**

**Social Work third floor addition—Design and construction:** To design and construct a 12,000 gross square foot partial third floor addition to the Social Work and Speech and Hearing Sciences Building (96-2-010)

**Appropriation:**

UW Bldg Acct—State . . . . .	\$	126,400
St Bldg Constr Acct—State . . . . .	\$	2,789,200
Subtotal Appropriation . . . . .	\$	2,915,600
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	2,915,600

**NEW SECTION. Sec. 542. FOR THE UNIVERSITY OF WASHINGTON**

**Hogness/Health Sciences Center Lohhy: Americans with Disabilities Act improvements (96-1-022)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	1,300,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,300,000

**NEW SECTION. Sec. 543. FOR THE UNIVERSITY OF WASHINGTON**

**Ocean and Fisheries Science Buildings II & III: Design and site preparation:** To design the 125,673 gross square foot OFS II (Fisheries) and 106,000 gross square foot OFS III (Oceanography) buildings and clear and prepare sites for future construction (96-2-006)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$991,000 of the amount reappropriated in section 521 of this act for redesign of this project shall be used for design.
- (2) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

UW Bldg Acct—State . . . . .	\$	1,548,150
St Bldg Constr Acct—State . . . . .	\$	<u>5,932,025</u>
Subtotal Appropriation . . . . .	\$	7,480,175
Prior Biennia (Expenditures) . . . . .	\$	558,400
Future Biennia (Projected Costs) . . . . .	\$	<u>65,758,625</u>
TOTAL . . . . .	\$	73,797,200

**NEW SECTION. Sec. 544. FOR THE UNIVERSITY OF WASHINGTON**

**West Electrical Power Station:** To design and construct the installation of new transformers, switch gear facilities, and primary distribution feeders at the west receiving station (96-2-011)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

UW Bldg Acct—State . . . . .	\$	204,000
St Bldg Constr Acct—State . . . . .	\$	<u>6,600,000</u>
Subtotal Appropriation . . . . .	\$	6,804,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	6,804,000

**NEW SECTION. Sec. 545.** It is the intention of the legislature that the state dispose of its interest in the Wellington Hills property for consideration at fair market value and that the net proceeds of the sale be deposited into the state building construction account in the state treasury.

**NEW SECTION. Sec. 546. FOR THE UNIVERSITY OF WASHINGTON**

**Power Plant Boiler #7—Design and construction:** To design and construct an addition to the south end of the Power Plant to house a new Boiler #7 (96-2-020)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

UW Bldg Acct—State . . . . .	\$	288,703
St Bldg Constr Acct—State . . . . .	\$	<u>9,623,297</u>
Subtotal Appropriation . . . . .	\$	9,912,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	9,912,000

**NEW SECTION. Sec. 547. FOR THE UNIVERSITY OF WASHINGTON**

**Southwest Campus utilities phase I—Design and construction:** To design and construct the extension of utilities to serve the southwest campus development (96-2-027)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

UW Bldg Acct—State . . . . .	\$	285,600
St Bldg Constr Acct—State . . . . .	\$	<u>9,023,900</u>
Subtotal Appropriation . . . . .	\$	9,309,500
Prior Biennia (Expenditures) . . . . .	\$	152,000
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	9,461,500

**NEW SECTION. Sec. 548. FOR WASHINGTON STATE UNIVERSITY**

**Branch campus acquisition (90-5-002)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	42,000
Prior Biennia (Expenditures) . . . . .	\$	735,424
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	777,424

**NEW SECTION. Sec. 549. FOR WASHINGTON STATE UNIVERSITY**

**Hazardous, pathological, and radioactive waste handling facilities:** To provide centralized facilities to prepare, package, and ship biomedical, pathological, hazardous, low-level, and nonradioactive waste (92-1-019)

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	991,640
Prior Biennia (Expenditures) . . . . .	\$	197,714
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	1,189,354

**NEW SECTION. Sec. 550. FOR WASHINGTON STATE UNIVERSITY**

**Todd Hall renovation:** To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices (92-1-021)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.



**Reappropriation:**

WSU Bldg Acct—State . . . . .	\$	3,478,000
St Bldg Constr Acct—State . . . . .	\$	<u>2,626,444</u>
Subtotal Reappropriation . . . . .	\$	6,104,444
Prior Biennia (Expenditures) . . . . .	\$	8,577,065
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	14,681,509

**NEW SECTION. Sec. 551. FOR WASHINGTON STATE UNIVERSITY**

**Veterinary Teaching Hospital—Construction:** To construct, equip, and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

H Ed Reimh Constr Acct—State . . . . .	\$	10,214,399
St Bldg Constr Acct—State . . . . .	\$	<u>2,200,000</u>
Subtotal Reappropriation . . . . .	\$	12,414,399
Prior Biennia (Expenditures) . . . . .	\$	19,643,672
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	32,058,071

**NEW SECTION. Sec. 552. FOR WASHINGTON STATE UNIVERSITY**

**Fulmer Hall—Fulmer Annex renovation:** To renovate Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space (92-2-023)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	12,212,322
Prior Biennia (Expenditures) . . . . .	\$	908,367
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	13,120,689

**NEW SECTION. Sec. 553. FOR WASHINGTON STATE UNIVERSITY**

**Student services addition:** To design and construct a building for consolidated student service functions (92-2-027)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$ 10,173,300
Prior Biennia (Expenditures) . . . . .	\$ 4,826,700
Future Biennia (Projected Costs) . . . . .	\$ 0
<b>TOTAL . . . . .</b>	<b>\$ 15,000,000</b>

**NEW SECTION. Sec. 554. FOR WASHINGTON STATE UNIVERSITY**

**Records and maintenance materials:** To construct a storage structure for inactive records, physical plant storage, and recycling storage (92-2-028)

**Reappropriation:**

WSU Bldg Acct—State . . . . .	\$ 1,250,000
Prior Biennia (Expenditures) . . . . .	\$ 395,826
Future Biennia (Projected Costs) . . . . .	\$ 0
<b>TOTAL . . . . .</b>	<b>\$ 1,645,826</b>

**NEW SECTION. Sec. 555. FOR WASHINGTON STATE UNIVERSITY**

**Minor capital renewal (94-1-004)**

**Reappropriation:**

St Bidg Constr Acct—State . . . . .	\$ 2,784,260
Prior Biennia (Expenditures) . . . . .	\$ 3,215,740
Future Biennia (Projected Costs) . . . . .	\$ 0
<b>TOTAL . . . . .</b>	<b>\$ 6,000,000</b>

**NEW SECTION. Sec. 556. FOR WASHINGTON STATE UNIVERSITY**

**Bohler Gym renovation—Design:** To design the renovation of the existing Bohler Gym (94-1-010)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

WSU Bldg Acct—State . . . . .	\$ 391,500
St Bldg Constr Acct—State . . . . .	\$ 1,496,600
Subtotal Appropriation . . . . .	\$ 1,888,100
Prior Biennia (Expenditures) . . . . .	\$ 49,000
Future Biennia (Projected Costs) . . . . .	\$ 14,462,500
<b>TOTAL . . . . .</b>	<b>\$ 16,399,600</b>

**NEW SECTION. Sec. 557. FOR WASHINGTON STATE UNIVERSITY**

**Prosser: Septic system (94-1-500)**

**Reappropriation:**

WSU Bldg Acct—State . . . . .	\$	757,192
Prior Biennia (Expenditures) . . . . .	\$	492,808
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	1,250,000

**NEW SECTION. Sec. 558. FOR WASHINGTON STATE UNIVERSI-**

**TY**

**Infrastructure savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	1
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	1

**NEW SECTION. Sec. 559. FOR WASHINGTON STATE UNIVERSI-**

**TY**

**Minor works (94-2-001)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	1,192,401
Prior Biennia (Expenditures) . . . . .	\$	1,807,599
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	3,000,000

**NEW SECTION. Sec. 560. FOR WASHINGTON STATE UNIVERSI-**

**TY**

**Minor capital improvements (94-2-002)**

**Reappropriation:**

WSU Bidg Acct—State . . . . .	\$	2,430,690
Prior Biennia (Expenditures) . . . . .	\$	3,569,310
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	6,000,000

**NEW SECTION. Sec. 561. FOR WASHINGTON STATE UNIVERSITY**

**Hazardous waste facilities (94-2-006)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

WSU Bldg Acct—State . . . . .	\$ 1,500,000
Prior Biennia (Expenditures) . . . . .	\$ 211,000
Future Biennia (Projected Costs) . . . . .	\$ <u>12,037,774</u>
TOTAL . . . . .	\$ 13,748,774

**NEW SECTION. Sec. 562. FOR WASHINGTON STATE UNIVERSITY**

**Pathological and biomedical incinerator: Design and construction (94-2-012)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$ 3,443,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ <u>0</u>
TOTAL . . . . .	\$ 3,443,000

**NEW SECTION. Sec. 563. FOR WASHINGTON STATE UNIVERSITY**

**Communication infrastructure renewal (94-2-013)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

WSU Bldg Constr Acct—State . . . . .	\$ 5,000,000
St Bldg Constr Acct—State . . . . .	\$ <u>4,203,432</u>
Subtotal Reappropriation . . . . .	\$ 9,203,432

**Appropriation:**

WSU Bldg Acct—State . . . . .	\$ 4,159,625
Prior Biennia (Expenditures) . . . . .	\$ 12,796,568
Future Biennia (Projected Costs) . . . . .	\$ <u>0</u>
TOTAL . . . . .	\$ 26,159,625

**NEW SECTION. Sec. 564. FOR WASHINGTON STATE UNIVERSITY**

**Engineering Teaching and Research Laboratory Building: Construction (94-2-014)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

WSU Bldg Acct—State . . . . . \$ 226,379

**Appropriation:**

General Fund—Federal . . . . . \$ 8,000,000

St Bidg Constr Acct—State . . . . . \$ 17,140,300

Subtotal Appropriation . . . . . \$ 25,140,300

Prior Biennia (Expenditures) . . . . . \$ 1,143,621

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 26,510,300

**NEW SECTION. Sec. 565. FOR WASHINGTON STATE UNIVERSITY**

**Chemical waste collection facilities: Design and construction (94-2-016)**

**Reappropriation:**

WSU Bldg Acct—State . . . . . \$ 2,084,274

**Appropriation:**

WSU Bldg Acct—State . . . . . \$ 1,000,000

Prior Biennia (Expenditures) . . . . . \$ 252,726

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 3,337,000

**NEW SECTION. Sec. 566. FOR WASHINGTON STATE UNIVERSITY**

**Bohler Gym Addition—Design and construction:** To construct a 45,800 gross square foot addition to Bohler Gym (94-2-017)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 477,000

**Appropriation:**

WSU Bldg Acct—State . . . . . \$ 399,800

St Bldg Constr Acct—State . . . . . \$ 8,960,400

Subtotal Appropriation . . . . . \$ 9,360,200

Prior Biennia (Expenditures) . . . . . \$ 517,000

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 10,354,200

**NEW SECTION. Sec. 567. FOR WASHINGTON STATE UNIVERSITY**

**Animal Science Laboratory Building—Design and Construction:** To construct a 20,200 gross square foot animal science lab (94-4-018)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

WSU Bldg Acct—State . . . . . \$ 143,532

**Appropriation:**

St Bldg Constr Acct—State . . . . . \$ 6,332,300

WSU Bldg Acct—State . . . . . \$ 255,000

Subtotal Appropriation . . . . . \$ 6,587,300

Prior Biennia (Expenditures) . . . . . \$ 451,468

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 7,182,300

**NEW SECTION. Sec. 568. FOR WASHINGTON STATE UNIVERSITY**

**Kimbrough Hall addition and remodeling:** To design a 32,000 gross square foot addition and remodel the existing Kimbrough Hall (94-2-019)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

WSU Bldg Acct—State . . . . . \$ 238,425

St Bldg Constr Acct—State . . . . . \$ 965,700

Subtotal Appropriation . . . . . \$ 1,204,125

Prior Biennia (Expenditures) . . . . . \$ 80,000

Future Biennia (Projected Costs) . . . . . \$ 10,448,875

TOTAL . . . . . \$ 11,733,000

**NEW SECTION. Sec. 569. FOR WASHINGTON STATE UNIVERSITY**

**Intercollegiate Center for Nursing Education:** To construct and equip a new nursing education facility in Yakima (94-2-024)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a new nursing facility to be located on or adjacent to the Yakima Valley Community College unless the higher education coordinating board makes a finding that the location is not programmatically or financially feasible. The siting of the facility at a different location must be approved by the higher education coordinating board.

(2) The facility shall be equipped with a digital link to the Washington higher education telecommunications system (WHETS).

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$ 2,525,202
Prior Biennia (Expenditures) . . . . .	\$ 974,798
Future Biennia (Projected Costs) . . . . .	\$ <u>0</u>
TOTAL . . . . .	\$ 3,500,000

**NEW SECTION. Sec. 570. FOR WASHINGTON STATE UNIVERSITY**

**Washington State University—Vancouver: New campus construction (94-2-902)**

The appropriations in this section are subject to the review and allotment procedures under sections 813 and 815 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$ 23,580,000
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**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$ 9,066,000
Prior Biennia (Expenditures) . . . . .	\$ 10,994,362
Future Biennia (Projected Costs) . . . . .	\$ <u>35,000,000</u>
TOTAL . . . . .	\$ 78,640,362

**NEW SECTION. Sec. 571. FOR WASHINGTON STATE UNIVERSITY**

**Puyallup: Greenhouse replacements (94-2-027)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$ 2,126,945
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Prior Biennia (Expenditures) . . . . .	\$ 114,055
Future Biennia (Projected Costs) . . . . .	\$ <u>0</u>

TOTAL . . . . .	\$ 2,241,000
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**NEW SECTION. Sec. 572. FOR WASHINGTON STATE UNIVERSITY**

**Washington State University Tri-Cities: Consolidated Information Center (94-2-905)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$ 730,500
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**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$ 9,709,000
Prior Biennia (Expenditures) . . . . .	\$ 679,500
Future Biennia (Projected Costs) . . . . .	\$ <u>0</u>
TOTAL . . . . .	\$ 11,119,000

**NEW SECTION. Sec. 573. FOR WASHINGTON STATE UNIVERSITY**

**Minor works: Preservation (96-1-004)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$ 5,900,000
WSU Bldg Acct—State . . . . .	\$ <u>252,000</u>
Subtotal Appropriation . . . . .	\$ 6,152,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ <u>34,690,000</u>
TOTAL . . . . .	\$ 40,842,000

**NEW SECTION. Sec. 574. FOR WASHINGTON STATE UNIVERSITY**

**Minor works: Safety and environmental (96-2-001)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$ 1,600,000
WSU Bldg Acct—State . . . . .	\$ <u>1,000,000</u>
Subtotal Appropriation . . . . .	\$ 2,600,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ <u>17,400,000</u>
TOTAL . . . . .	\$ 20,000,000

**NEW SECTION. Sec. 575. FOR WASHINGTON STATE UNIVERSITY**

**Minor works: Program (96-2-002)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

WSU Bldg Acct—State . . . . .	\$ 5,150,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ <u>41,016,000</u>
TOTAL . . . . .	\$ 46,166,000

**NEW SECTION. Sec. 576. FOR WASHINGTON STATE UNIVERSITY**

**Plant growth—Wheat Research Center: Construction (96-2-047)**



The appropriation in this section is subject to the review and allotment procedures under section 813 of this act and shall not be expended until the university has received the federal money or an equivalent amount from other sources.

**Appropriation:**

General Fund—Private . . . . .	\$	1,000,000
General Fund—Federal . . . . .	\$	3,000,000
St Bldg Constr Acct—State . . . . .	\$	<u>4,000,000</u>
Subtotal Appropriation . . . . .	\$	8,000,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	8,000,000

**NEW SECTION. Sec. 577. FOR WASHINGTON STATE UNIVERSITY**

**Intercollegiate Center for Nursing Education—Spokane, Yakima, and Wenatchee Washington higher education telecommunication system classrooms, cabling, and connection (96-2-915)**

**Appropriation:**

WSU Bldg Acct—State . . . . .	\$	1,500,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	1,500,000

**NEW SECTION. Sec. 578. FOR EASTERN WASHINGTON UNIVERSITY**

**Sutton Hall remodel:** To complete the remodeling of Sutton Hall for offices and classroom space (81-2-002)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	4,730,092
Prior Biennia (Expenditures) . . . . .	\$	526,494
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	5,256,586

**NEW SECTION. Sec. 579. FOR EASTERN WASHINGTON UNIVERSITY**

**Science Building addition and remodel:** To complete the remodeling of the existing science building (83-1-001)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$ 2,100,480
Prior Biennia (Expenditures) . . . . .	\$ 18,934,987
Future Biennia (Projected Costs) . . . . .	\$ 0
<b>TOTAL . . . . .</b>	<b>\$ 21,035,467</b>

**NEW SECTION. Sec. 580. FOR EASTERN WASHINGTON UNIVERSITY**

Minor works preservation, repair, and renewal of campus facilities (86-1-002) (90-3-002) (92-1-001) (92-1-002) (92-3-004) (94-1-001) (94-1-006) (94-1-010) (94-1-014) (94-1-015) (94-2-012)

**Reappropriation:**

EWU Cap Proj Acct—State . . . . .	\$ 4,300,000
St Bldg Constr Acct—State . . . . .	\$ 1,438,000
Subtotal Reappropriation . . . . .	\$ 5,738,000
Prior Biennia (Expenditures) . . . . .	\$ 7,685,782
Future Biennia (Projected Costs) . . . . .	\$ 0
<b>TOTAL . . . . .</b>	<b>\$ 13,423,782</b>

**NEW SECTION. Sec. 581. FOR EASTERN WASHINGTON UNIVERSITY**

Telecommunications network and cable replacement (90-2-004)

**Appropriation:**

EWU Cap Proj Acct—State . . . . .	\$ 1,593,800
Prior Biennia (Expenditures) . . . . .	\$ 4,080,000
Future Biennia (Projected Costs) . . . . .	\$ 2,000,000
<b>TOTAL . . . . .</b>	<b>\$ 7,673,800</b>

**NEW SECTION. Sec. 582. FOR EASTERN WASHINGTON UNIVERSITY**

**JFK Library addition and remodel—Construction:** To construct the 73,500 gross square foot addition and remodeling of the JFK Library (90-5-003)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$ 1,678,756
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**Appropriation:**

EWU Cap Proj Acct—State . . . . .	\$ 152,174
St Bldg Constr Acct—State . . . . .	\$ 19,692,130
Subtotal Appropriation . . . . .	\$ 19,844,304
Prior Biennia (Expenditures) . . . . .	\$ 536,244
Future Biennia (Projected Costs) . . . . .	\$ 0

TOTAL . . . . . \$ 22,059,304

**NEW SECTION. Sec. 583. FOR EASTERN WASHINGTON UNIVERSITY**

**Removal of underground storage tanks (92-1-003)**

**Reappropriation:**

EWU Cap Proj Acct—State . . . . .	\$	193,438
Prior Biennia (Expenditures) . . . . .	\$	56,110
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	249,548

**NEW SECTION. Sec. 584. FOR EASTERN WASHINGTON UNIVERSITY**

**Spokane Center remodel and fire egress (92-5-008)**

**Reappropriation:**

EWU Cap Proj Acct—State . . . . .	\$	43,686
Prior Biennia (Expenditures) . . . . .	\$	1,756,314
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,800,000

**NEW SECTION. Sec. 585. FOR EASTERN WASHINGTON UNIVERSITY**

**Chillers, heating, ventilation, and air conditioning, boiler replacement (94-1-003)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	2,318,877
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**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	3,361,600
EWU Cap Proj Acct—State . . . . .	\$	638,400
Subtotal Appropriation . . . . .	\$	4,000,000
Prior Biennia (Expenditures) . . . . .	\$	91,123
Future Biennia (Projected Costs) . . . . .	\$	3,275,000
TOTAL . . . . .	\$	9,685,000

**NEW SECTION. Sec. 586. FOR EASTERN WASHINGTON UNIVERSITY**

**Infrastructure project: Savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating,

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ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house or representatives by the office of financial management.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	1
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1

**NEW SECTION. Sec. 587. FOR EASTERN WASHINGTON UNIVERSITY**

**Showaiter Hall Auditorium: Preservation (96-1-001)**

**Appropriation:**

EWU Cap Proj Acct—State . . . . .	\$	977,800
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	977,800

**NEW SECTION. Sec. 588. FOR EASTERN WASHINGTON UNIVERSITY**

**Monroe Hall Remodel (96-1-002)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

EWU Cap Proj Acct—State . . . . .	\$	100,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	6,000,000
TOTAL . . . . .	\$	6,100,000

**NEW SECTION. Sec. 589. FOR EASTERN WASHINGTON UNIVERSITY**

**Campus classrooms—Renewal:** To renovate and upgrade classrooms and lab in various buildings on campus (96-2-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

EWU Cap Proj Acct—State . . . . .	\$	3,650,000
Prior Biennia (Expenditures) . . . . .	\$	0

Future Biennia (Projected Costs) . . . . .	\$ 14,925,000
TOTAL . . . . .	\$ 18,575,000

**NEW SECTION. Sec. 590. FOR EASTERN WASHINGTON UNIVERSITY**

**Americans with Disabilities Act projects (94-5-001)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$ 193,089
Prior Biennia (Expenditures) . . . . .	\$ 132,711
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	\$ 325,800

**NEW SECTION. Sec. 591. FOR CENTRAL WASHINGTON UNIVERSITY**

**Life and safety improvements (92-1-030)**

**Reappropriation:**

CWU Cap Proj Acct—State . . . . .	\$ 125,000
Prior Biennia (Expenditures) . . . . .	\$ 208,267
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	\$ 333,267

**NEW SECTION. Sec. 592. FOR CENTRAL WASHINGTON UNIVERSITY**

**Barge Hall renovation (92-2-001)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$ 263,000
Prior Biennia (Expenditures) . . . . .	\$ 11,318,970
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	\$ 11,581,970

**NEW SECTION. Sec. 593. FOR CENTRAL WASHINGTON UNIVERSITY**

**Shaw/Smyser Hall renovation (90-2-005)**

**Reappropriation:**

H Ed Reimb Constr Acct . . . . .	\$ 302,000
Prior Biennia (Expenditures) . . . . .	\$ 12,983,000
Future Biennia (Projected Costs) . . . . .	\$ 0
TOTAL . . . . .	\$ 13,285,000

**NEW SECTION. Sec. 594. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor capital projects (92-2-050)**

**Reappropriation:**

CWU Cap Proj Acct—State . . . . .	\$	600,000
Prior Biennia (Expenditures) . . . . .	\$	1,623,120
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	2,223,120

**NEW SECTION. Sec. 595. FOR CENTRAL WASHINGTON UNIVERSITY**

**Boullion asbestos: Construction (94-1-001)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	2,160,000
Prior Biennia (Expenditures) . . . . .	\$	1,163,000
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	3,323,000

**NEW SECTION. Sec. 596. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Preservation (94-1-005)**

**Reappropriation:**

CWU Cap Proj Acct—State . . . . .	\$	2,000,000
Prior Biennia (Expenditures) . . . . .	\$	1,562,000
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	3,562,000

**NEW SECTION. Sec. 597. FOR CENTRAL WASHINGTON UNIVERSITY**

**Underground tank replacement (94-1-007)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	100,000
Prior Biennia (Expenditures) . . . . .	\$	176,000
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	276,000

**NEW SECTION. Sec. 598. FOR CENTRAL WASHINGTON UNIVERSITY**

**Electrical cable replacement (94-1-008)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	50,000
Prior Biennia (Expenditures) . . . . .	\$	1,700,000
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>

TOTAL ..... \$ 1,750,000

**NEW SECTION. Sec. 599. FOR CENTRAL WASHINGTON UNIVERSITY**

**Steamline replacement (94-1-009)**

**Reappropriation:**

St Bldg Constr Acct—State .....	\$	790,000
Prior Biennia (Expenditures) .....	\$	60,000
Future Biennia (Projected Costs) .....	\$	0
TOTAL .....	\$	850,000

**NEW SECTION. Sec. 600. FOR CENTRAL WASHINGTON UNIVERSITY**

**Infrastructure savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

St Bldg Constr Acct—State .....	\$	1
Prior Biennia (Expenditures) .....	\$	0
Future Biennia (Projected Costs) .....	\$	0
TOTAL .....	\$	1

**NEW SECTION. Sec. 601. FOR CENTRAL WASHINGTON UNIVERSITY**

**Science Facility design and construction (94-2-002)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

CWU Cap Proj Acct—State .....	\$	4,000,000
St Bldg Constr Acct—State .....	\$	53,590,000
Subtotal Reappropriation ....	\$	57,590,000
Prior Biennia (Expenditures) .....	\$	610,000
Future Biennia (Projected Costs) .....	\$	0

TOTAL . . . . . \$ 58,200,000

**NEW SECTION. Sec. 602. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Program (94-2-006)**

**Reappropriation:**

CWU Cap Proj Acct . . . . .	\$	815,000
Prior Biennia (Expenditures) . . . . .	\$	1,692,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	2,507,000

**NEW SECTION. Sec. 603. FOR CENTRAL WASHINGTON UNIVERSITY**

**Black Hall—Design and construction:** To design and construct a 66,200 gross square foot addition to and complete remodel of the Black Hall (94-2-010)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

CWU Cap Proj Acct—State . . . . .	\$	15,000
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**Appropriation:**

CWU Cap Proj Acct—State . . . . .	\$	875,100
St Bldg Constr Acct—State . . . . .	\$	26,369,300
Subtotal Appropriation . . . . .	\$	27,244,400
Prior Biennia (Expenditures) . . . . .	\$	144,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	27,403,400

**NEW SECTION. Sec. 604. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Infrastructure preservation (96-1-040)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) No money from this appropriation may be expended for remodeling or repairing the president's residence.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	1,687,100
CWU Cap Proj Acct—State . . . . .	\$	712,900
Subtotal Appropriation . . . . .	\$	2,400,000
Prior Biennia (Expenditures) . . . . .	\$	0



Future Biennia (Projected Costs) . . . . .	\$ 6,000,000
TOTAL . . . . .	\$ 8,300,000

**NEW SECTION. Sec. 605. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Preservation (96-1-120)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) A maximum of \$85,000 from this appropriation may be expended for remodeling the president's residence.

**Appropriation:**

CWU Cap Proj Acct—State . . . . .	\$ 3,500,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 16,850,000
TOTAL . . . . .	\$ 20,350,000

**NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY**

**Hertz Hall addition (96-2-050)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

St Bidg Constr Acct—State . . . . .	\$ 125,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 13,350,000
TOTAL . . . . .	\$ 13,475,000

**NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY**

**Minor works: Program (96-2-130)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) No money from this appropriation may be expended for remodeling or repairing the president's residence.

**Appropriation:**

CWU Cap Proj Acct—State . . . . .	\$ 2,500,000
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Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>11,110,000</u>
TOTAL . . . . .	\$	13,610,000

**NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE**

**Campus: Air quality improvement (96-1-001)**

**Appropriation:**

TESC Cap Proj Acct—State . . . . .	\$	492,425
St Bldg Constr Acct . . . . .	\$	<u>528,896</u>
Subtotal Appropriation . . . . .	\$	1,021,321
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	1,021,321

**NEW SECTION. Sec. 609. FOR THE EVERGREEN STATE COLLEGE**

**Minor works: Preservation (96-1-002)**

**Appropriation:**

TESC Cap Proj Acct—State . . . . .	\$	970,245
St Bldg Constr Acct—State . . . . .	\$	<u>2,154,876</u>
Subtotal Appropriations . . . . .	\$	3,125,121
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>20,488,124</u>
TOTAL . . . . .	\$	23,613,245

**NEW SECTION. Sec. 610. FOR THE EVERGREEN STATE COLLEGE**

**Campus: Preservation (94-1-001)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	150,000
Prior Biennia (Expenditures) . . . . .	\$	1,599,000
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	1,749,000

**NEW SECTION. Sec. 611. FOR THE EVERGREEN STATE COLLEGE**

**Classroom Facility: Longhouse design and construction (94-2-008)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	400,000
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Prior Biennia (Expenditures) . . . . .	\$	1,800,000
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	2,200,000

**NEW SECTION. Sec. 612. FOR THE EVERGREEN STATE COLLEGE**

**Emergency repairs (96-1-003)**

**Appropriation:**

TESC Cap Proj Acct—State . . . . .	\$	238,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>1,076,000</u>
TOTAL . . . . .	\$	1,314,000

**NEW SECTION. Sec. 613. FOR THE EVERGREEN STATE COLLEGE**

**Computer Network phase III (96-2-006)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	162,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	162,000

**NEW SECTION. Sec. 614. FOR THE EVERGREEN STATE COLLEGE**

**Communications Building: Retrofit (96-2-007)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	1,726,300
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	1,726,300

**NEW SECTION. Sec. 615. FOR THE EVERGREEN STATE COLLEGE**

**Library Building renovation (96-2-009)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	772,500
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	772,500

**NEW SECTION. Sec. 616. FOR THE JOINT CENTER FOR HIGHER EDUCATION**

**Riverpoint Campus: Design and construction (94-2-001)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	9,000,000
Prior Biennia (Expenditures) . . . . .	\$	8,000,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	17,000,000

**NEW SECTION. Sec. 617. FOR THE JOINT CENTER FOR HIGHER EDUCATION**

**Riverpoint Campus phase II (96-2-001)**

To predesign, design, and make infrastructure improvements to the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996. The appropriation in this section is subject to the review and allotment requirements under sections 813 and 815 of this act.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	3,310,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	21,690,000
TOTAL . . . . .	\$	25,000,000

**NEW SECTION. Sec. 618. FOR WESTERN WASHINGTON UNIVERSITY**

**Science facility phase II: Construction (92-1-007)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct . . . . .	\$	2,400,000
Prior Biennia (Expenditures) . . . . .	\$	17,650,533
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	20,050,553

**NEW SECTION. Sec. 619. FOR WESTERN WASHINGTON UNIVERSITY**

**Fire detection systems (94-1-030)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	100,000
Prior Biennia (Expenditures) . . . . .	\$	643,000
Future Biennia (Projected Costs) . . . . .	\$	0

TOTAL ..... \$ 743,000

NEW SECTION. Sec. 620. FOR WESTERN WASHINGTON UNIVERSITY

Underground storage tank removal (94-1-032)

Reappropriation:

St Bldg Constr Acct—State .....	\$	58,200
Prior Biennia (Expenditures) .....	\$	1,800
Future Biennia (Projected Costs) .....	\$	0
TOTAL .....	\$	60,000

NEW SECTION. Sec. 621. FOR WESTERN WASHINGTON UNIVERSITY

Pool chlorine gas system (94-1-033)

Reappropriation:

WWU Cap Proj Acct—State .....	\$	10,300
Prior Biennia (Expenditures) .....	\$	24,700
Future Biennia (Projected Costs) .....	\$	0
TOTAL .....	\$	35,000

NEW SECTION. Sec. 622. FOR WESTERN WASHINGTON UNIVERSITY

Exterior and roofing renewal (94-1-034)

Reappropriation:

St Bldg Constr Acct—State .....	\$	309,000
Prior Biennia (Expenditures) .....	\$	292,000
Future Biennia (Projected Costs) .....	\$	0
TOTAL .....	\$	601,000

NEW SECTION. Sec. 623. FOR WESTERN WASHINGTON UNIVERSITY

Boiler system (94-1-035)

Reappropriation:

WWU Cap Proj Acct—State .....	\$	859,884
Prior Biennia (Expenditures) .....	\$	40,116
Future Biennia (Projected Costs) .....	\$	0
TOTAL .....	\$	900,000

NEW SECTION. Sec. 624. FOR WESTERN WASHINGTON UNIVERSITY

Utility upgrade (94-1-037)

Reappropriation:

St Bldg Constr Acct—State .....	\$	103,000
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Prior Biennia (Expenditures) . . . . .	\$	302,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	405,000

**NEW SECTION. Sec. 625. FOR WESTERN WASHINGTON UNIVERSITY**

**Interior renewal (94-1-038)**

**Reappropriation:**

WWU Cap Proj Acct—State . . . . .	\$	74,000
Prior Biennia (Expenditures) . . . . .	\$	24,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	98,000

**NEW SECTION. Sec. 626. FOR WESTERN WASHINGTON UNIVERSITY**

**Interior painting (94-1-041)**

**Reappropriation:**

WWU Cap Proj Acct—State . . . . .	\$	272,000
Prior Biennia (Expenditures) . . . . .	\$	129,000
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	401,000

**NEW SECTION. Sec. 627. FOR WESTERN WASHINGTON UNIVERSITY**

**Infrastructure projects: Savings (94-1-999)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	1
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1

**NEW SECTION. Sec. 628. FOR WESTERN WASHINGTON UNIVERSITY**

**Science facility phase III: Construction (94-2-014)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$ 11,473,119
Prior Biennia (Expenditures) . . . . .	\$ 96,988
Future Biennia (Projected Costs) . . . . .	\$ 0
<b>TOTAL . . . . .</b>	<b>\$ 11,570,107</b>

**NEW SECTION. Sec. 629. FOR WESTERN WASHINGTON UNIVERSITY**

**Haggard Hall renovation and abatement: Construction (94-2-015)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$ 950,000
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**Appropriation:**

WWU Cap Proj Acct—State . . . . .	\$ 3,735,420
St Bldg Constr Acct—State . . . . .	\$ 17,352,985
Subtotal Appropriation . . . . .	\$ 21,088,405
Prior Biennia (Expenditures) . . . . .	\$ 166,000
Future Biennia (Projected Costs) . . . . .	\$ 0
<b>TOTAL . . . . .</b>	<b>\$ 22,204,405</b>

**NEW SECTION. Sec. 630. FOR WESTERN WASHINGTON UNIVERSITY**

**Minor works: Program (94-2-028)**

**Reappropriation:**

WWU Cap Proj Acct—State . . . . .	\$ 3,200,000
Prior Biennia (Expenditures) . . . . .	\$ 2,900,000
Future Biennia (Projected Costs) . . . . .	\$ 0
<b>TOTAL . . . . .</b>	<b>\$ 6,100,000</b>

**NEW SECTION. Sec. 631. FOR WESTERN WASHINGTON UNIVERSITY**

**Minor works: Preservation (96-1-030)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

WWU Cap Proj Acct—State . . . . .	\$ 1,300,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 9,200,000

TOTAL . . . . . \$ 10,500,000

**NEW SECTION. Sec. 632. FOR WESTERN WASHINGTON UNIVERSITY**

**Minor works: Infrastructure preservation (96-1-061)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$ 1,650,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 4,400,000
TOTAL . . . . .	\$ 6,050,000

**NEW SECTION. Sec. 633. FOR WESTERN WASHINGTON UNIVERSITY**

**Campus Services Facility (96-2-025)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$ 100,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 7,883,400
TOTAL . . . . .	\$ 7,983,400

**NEW SECTION. Sec. 634. FOR WESTERN WASHINGTON UNIVERSITY**

**Minor works: Program (96-2-028)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation:**

WWU Cap Proj Acct—State . . . . .	\$ 2,000,000
St Bldg Constr Acct . . . . .	\$ 3,850,000
Subtotal Appropriation . . . . .	\$ 5,850,000
Prior Biennia (Expenditures) . . . . .	\$ 0
Future Biennia (Projected Costs) . . . . .	\$ 25,500,000
TOTAL . . . . .	\$ 31,350,000

**NEW SECTION. Sec. 635. FOR WESTERN WASHINGTON UNIVERSITY**

**Integrated signal distribution—Design:** To design a campus network system (96-2-056)

**Appropriation:**

WWU Cap Proj Acct—State . . . . .	\$ 229,650
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St Bldg Constr Acct—State . . . . .	\$	<u>985,750</u>
Subtotal Appropriation . . . . .	\$	1,215,400
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>9,339,400</u>
TOTAL . . . . .	\$	10,554,800

**NEW SECTION. Sec. 636. FOR WESTERN WASHINGTON UNIVERSITY**

**Wilson Library renovation (96-2-057)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	105,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>8,331,900</u>
TOTAL . . . . .	\$	8,436,900

**NEW SECTION. Sec. 637. FOR WESTERN WASHINGTON UNIVERSITY**

**Recreation and physical education fields phase I (96-2-051)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	2,535,200
WWU Cap Proj Acct—State . . . . .	\$	<u>130,800</u>
Subtotal Appropriation . . . . .	\$	2,666,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	2,666,000

**NEW SECTION. Sec. 638. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**Complete construction of Washington state History Museum (94-2-001)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) \$50,000 of the new appropriation in this section shall be provided as a grant to a local nonprofit organization to purchase land and provide exhibit space for the display of fossils.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	6,859,978
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**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	300,000
Prior Biennia (Expenditures) . . . . .	\$	35,592,643
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	42,752,621

**NEW SECTION. Sec. 639. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**Stadium Way facility: Preservation (96-1-102)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	60,000
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**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	487,500
Prior Biennia (Expenditures) . . . . .	\$	1,254,500
Future Biennia (Projected Costs) . . . . .	\$	<u>335,469</u>
TOTAL . . . . .	\$	2,137,469

**NEW SECTION. Sec. 640. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**Bremerton Shellbanks Retreat: Preservation (96-1-103)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	68,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>250,000</u>
TOTAL . . . . .	\$	318,000

**NEW SECTION. Sec. 641. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**State Capital Museum: Preservation (96-1-105)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	122,592
Prior Biennia (Expenditures) . . . . .	\$	107,500
Future Biennia (Projected Costs) . . . . .	\$	<u>199,628</u>
TOTAL . . . . .	\$	429,720

**NEW SECTION. Sec. 642. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**Stadium Way facility: Collection storage and access (96-2-204)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	230,600
Prior Biennia (Expenditures) . . . . .	\$	0

Future Biennia (Projected Costs) . . . . .	\$	<u>1,420,000</u>
TOTAL . . . . .	\$	1,650,600

**NEW SECTION. Sec. 643. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

**Campbell House restoration (86-1-002)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	<b>30,000</b>
Prior Biennia (Expenditures) . . . . .	\$	100,500
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	130,500

**NEW SECTION. Sec. 644. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

**Cheney Cowles Museum: Parking lot grading and resurfacing (96-1-002)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	<b>285,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	285,000

**NEW SECTION. Sec. 645. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

**Cheney Cowies Museum: Prescrvation (96-1-004)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	<b>175,000</b>
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>700,000</u>
TOTAL . . . . .	\$	875,000

**NEW SECTION. Sec. 646. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Learning Resource Center—Skagit Valley College Whidbey Campus (88-5-020)**

**Reappropriation:**

St Bidg Constr Acct—State . . . . .	\$	<b>5,408</b>
Prior Biennia (Expenditures) . . . . .	\$	2,117,591
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	2,122,999

**NEW SECTION. Sec. 647. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Science, Fine Art, and Physical Education Building—South Puget Sound Community College (88-5-021)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	21,933
Prior Biennia (Expenditures) . . . . .	\$	5,976,066
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	5,997,999

**NEW SECTION. Sec. 648. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Library addition and remodel—Columbia Basin College (88-5-023)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	21,573
Prior Biennia (Expenditures) . . . . .	\$	1,961,132
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1,982,705

**NEW SECTION. Sec. 649. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Vocational Shop Building—Centralia College (88-5-024)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	36,519
Prior Biennia (Expenditures) . . . . .	\$	2,035,306
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	2,071,825

**NEW SECTION. Sec. 650. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Art Commission carryover (88-5-026)**

**Reappropriation:**

St Bldg Constr Acct . . . . .	\$	9,378
Prior Biennia (Expenditures) . . . . .	\$	2,984,655
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	2,994,033

**NEW SECTION. Sec. 651. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Business Education Building—Spokane Community College (88-5-027)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	20,846
Prior Biennia (Expenditures) . . . . .	\$	6,291,122

Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	6,311,968

**NEW SECTION. Sec. 652. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Student Activity Center and Physical Education Building—Seattle Central (88-5-028)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	1,681,465
Prior Biennia (Expenditures) . . . . .	\$	9,519,434
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	11,200,899

**NEW SECTION. Sec. 653. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Fire and security system repairs (90-I-004)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	134,433
Prior Biennia (Expenditures) . . . . .	\$	236,508
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	370,941

**NEW SECTION. Sec. 654. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor asbestos removal (90-I-008)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	323,914
Prior Biennia (Expenditures) . . . . .	\$	992,167
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	1,316,081

**NEW SECTION. Sec. 655. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Roof and structural repairs (90-2-002)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	8,779
Prior Biennia (Expenditures) . . . . .	\$	706,514
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	715,293

**NEW SECTION. Sec. 656. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

Heating, ventilation, and air conditioning and mechanical repairs (90-2-003)

Reappropriation:

St Bldg Constr Acct—State	\$	50,944
Prior Biennia (Expenditures)	\$	947,439
Future Biennia (Projected Costs)	\$	0
<b>TOTAL</b>	<b>\$</b>	<b>998,383</b>

**NEW SECTION. Sec. 657. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

Facility repairs (90-3-007)

Reappropriation:

St Bldg Constr Acct—State	\$	24,471
Prior Biennia (Expenditures)	\$	503,545
Future Biennia (Projected Costs)	\$	0
<b>TOTAL</b>	<b>\$</b>	<b>528,016</b>

**NEW SECTION. Sec. 658. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

Minor improvement projects (90-5-009)

Reappropriation:

St Bldg Constr Acct—State	\$	120,737
Prior Biennia (Expenditures)	\$	2,904,787
Future Biennia (Projected Costs)	\$	0
<b>TOTAL</b>	<b>\$</b>	<b>3,025,524</b>

**NEW SECTION. Sec. 659. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

Construct Physical Education Facility—North Seattle Community College (90-5-011))

Reappropriation:

St Bldg Constr Acct—State	\$	6,883,057
Prior Biennia (Expenditures)	\$	1,671,143
Future Biennia (Projected Costs)	\$	0
<b>TOTAL</b>	<b>\$</b>	<b>8,554,200</b>

**NEW SECTION. Sec. 660. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

Construct Applied Arts Facility—Spokane Falls Community College (90-5-012)

Reappropriation:

St Bldg Constr Acct—State	\$	2,848,249
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Prior Biennia (Expenditures) . . . . .	\$	2,643,840
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	5,492,089

**NEW SECTION. Sec. 661. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Industrial Tech Building—Spokane Community College (90-5-013)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	3,016,150
Prior Biennia (Expenditures) . . . . .	\$	3,915,945
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	6,932,095

**NEW SECTION. Sec. 662. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Vocational Art Facility—Shoreline Community College (90-5-014)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	2,885,749
Prior Biennia (Expenditures) . . . . .	\$	179,656
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	3,065,405

**NEW SECTION. Sec. 663. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Business Education Building—Clark College (90-5-015)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	2,439,646
Prior Biennia (Expenditures) . . . . .	\$	3,851,620
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	6,291,266

**NEW SECTION. Sec. 664. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Student Center Building—South Seattle Community College (90-5-016)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	4,188,316
Prior Biennia (Expenditures) . . . . .	\$	1,193,777
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	5,382,093

**NEW SECTION. Sec. 665. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Library addition—Skagit Valley College (90-5-017)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	602,270
Prior Biennia (Expenditures) . . . . .	\$	1,403,729
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>2,005,999</b>

**NEW SECTION. Sec. 666. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Business Complex renovation—Clover Park Technical College (91-2-001)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	26,062
Prior Biennia (Expenditures) . . . . .	\$	2,473,938
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>2,500,000</b>

**NEW SECTION. Sec. 667. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Administration Office renovation—Bellingham Technical College (91-3-002)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	155,844
Prior Biennia (Expenditures) . . . . .	\$	1,456,156
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>1,612,000</b>

**NEW SECTION. Sec. 668. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Acquisition: Auto Shop—Olympic College (92-1-604)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	575,155
Prior Biennia (Expenditures) . . . . .	\$	124,845
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>700,000</b>

**NEW SECTION. Sec. 669. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Underground storage tank removal (92-2-102)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	96,033
Prior Biennia (Expenditures) . . . . .	\$	1,300,819
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>1,396,852</b>



**NEW SECTION. Sec. 670. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Legal and code requirement—Repairs (92-2-103)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	340,786
Prior Biennia (Expenditures) . . . . .	\$	831,214
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>1,172,000</b>

**NEW SECTION. Sec. 671. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Roof repairs (92-2-104)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	373,515
Prior Biennia (Expenditures) . . . . .	\$	7,083,485
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>7,457,000</b>

**NEW SECTION. Sec. 672. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Exterior and structure repairs (92-2-105)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	138,431
Prior Biennia (Expenditures) . . . . .	\$	678,569
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>817,000</b>

**NEW SECTION. Sec. 673. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Heating, ventilation, and air conditioning repairs (92-2-106)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	1,913,684
Prior Biennia (Expenditures) . . . . .	\$	1,160,315
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>3,073,999</b>

**NEW SECTION. Sec. 674. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Electrical repair (92-2-107)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	174,538
Prior Biennia (Expenditures) . . . . .	\$	2,132,462

Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	2,307,000

**NEW SECTION. Sec. 675. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Mechanical repairs (92-2-108)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	824,457
Prior Biennia (Expenditures) . . . . .	\$	1,683,543
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	2,508,000

**NEW SECTION. Sec. 676. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Fire and security repairs (92-2-109)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	418,730
Prior Biennia (Expenditures) . . . . .	\$	273,269
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	691,999

**NEW SECTION. Sec. 677. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Interior repairs (92-2-110)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	427,638
Prior Biennia (Expenditures) . . . . .	\$	1,012,361
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	1,439,999

**NEW SECTION. Sec. 678. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Site repairs (92-2-111)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	98,377
Prior Biennia (Expenditures) . . . . .	\$	1,230,622
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	1,328,999

**NEW SECTION. Sec. 679. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Pool repairs (92-2-112)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	5,133
Prior Biennia (Expenditures) . . . . .	\$	594,867
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	600,000

**NEW SECTION. Sec. 680. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Administration addition—Lake Washington Technical College (92-5-003)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	2,498,016
Prior Biennia (Expenditures) . . . . .	\$	6,644,183
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	9,142,199

**NEW SECTION. Sec. 681. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor improvements (92-5-200)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	1,979,165
Prior Biennia (Expenditures) . . . . .	\$	14,950,834
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	16,929,999

**NEW SECTION. Sec. 682. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Roof repair—Clover Park Technlcal College (93-2-002)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	5,130
Prior Biennia (Expenditures) . . . . .	\$	183,869
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	188,999

**NEW SECTION. Sec. 683. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repairs and minor improvements (94-1-001)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	28,290,145
Prior Biennia (Expenditures) . . . . .	\$	8,709,855
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	37,000,000

**NEW SECTION. Sec. 684. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Asbestos abatement (94-1-002)**

**Reappropriation:**

St Bidg Constr Acct—State . . . . .	\$	112,447
Prior Biennia (Expenditures) . . . . .	\$	441,786
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>554,233</b>

**NEW SECTION. Sec. 685. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Underground storage tank removal and remediation (94-1-003)**

**Reappropriation:**

St Bidg Constr Acct—State . . . . .	\$	158,727
Prior Biennia (Expenditures) . . . . .	\$	765,990
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>924,717</b>

**NEW SECTION. Sec. 686. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Underground storage tank removal (94-1-370)**

**Reappropriation:**

St Bidg Constr Acct—State . . . . .	\$	197,830
Prior Biennia (Expenditures) . . . . .	\$	4,170
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>202,000</b>

**NEW SECTION. Sec. 687. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Asbestos abatement (94-1-390)**

**Reappropriation:**

St Bidg Constr Acct—State . . . . .	\$	326,887
Prior Biennia (Expenditures) . . . . .	\$	124,440
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>451,327</b>

**NEW SECTION. Sec. 688. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Renovate Seattle Vocational Institute facility:** Top design and begin remodel on the first phase of improvements to Seattle Vocational Institute (94-1-733)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	7,523,494
Prior Biennia (Expenditures) . . . . .	\$	59,506
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>7,583,000</b>

**NEW SECTION. Sec. 689. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor Improvement projects (94-2-400)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	7,640,466
Prior Biennia (Expenditures) . . . . .	\$	3,837,534
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>11,478,000</b>

**NEW SECTION. Sec. 690. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor improvement projects (94-2-500)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	590,517
Prior Biennia (Expenditures) . . . . .	\$	38,483
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>629,000</b>

**NEW SECTION. Sec. 691. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Pierce College—Puyailup phase II (94-2-601)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	862,234
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**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	12,852,618
Prior Biennia (Expenditures) . . . . .	\$	164,686
Future Biennia (Projected Costs) . . . . .	\$	0
<b>TOTAL . . . . .</b>	<b>\$</b>	<b>13,879,538</b>

**NEW SECTION. Sec. 692. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Skagit Valley College Vocational Building (94-2-602)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 152,981

**Appropriation:**

St Bldg Constr Acct—State . . . . . \$ 2,320,000

Prior Biennia (Expenditures) . . . . . \$ 16,063

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 2,489,044

**NEW SECTION, Sec. 693. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Whatcom Community College Learning Resource Center, Fine Arts, Student Center (94-2-603)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 342,967

**Appropriation:**

St Bldg Constr Acct—State . . . . . \$ 7,930,000

Prior Biennia (Expenditures) . . . . . \$ 262,669

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 8,535,636

**NEW SECTION, Sec. 694. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Edmonds Community College Classroom and Laboratory Building (94-2-604)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 728,058

**Appropriation:**

St Bldg Constr Acct—State . . . . . \$ 12,343,480

Prior Biennia (Expenditures) . . . . . \$ 138,578

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 13,210,116

**NEW SECTION, Sec. 695. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct South Puget Sound Community College Technical Education Building (94-2-605)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 512,534

**Appropriation:**

St Bldg Constr Acct—State . . . . . \$ 6,430,000

Prior Biennia (Expenditures) . . . . . \$ 135,533

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 7,078,067

**NEW SECTION. Sec. 696. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Construct Green River Community College Center for Information Technology (94-2-606)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 1,069,426

**Appropriation:**

St Bldg Constr Acct—State . . . . . \$ 16,800,000

Prior Biennia (Expenditures) . . . . . \$ 324,303

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 18,193,729

**NEW SECTION. Sec. 697. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Predesign (94-2-650)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 43,379

Prior Biennia (Expenditures) . . . . . \$ 206,621

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 250,000

**NEW SECTION. Sec. 698. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Acquisitions (94-2-700)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . . \$ 28,591

Prior Biennia (Expenditures) . . . . . \$ 480,409

Future Biennia (Projected Costs) . . . . . \$ 0

TOTAL . . . . . \$ 509,000

**NEW SECTION. Sec. 699. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Americans with Disabilities Act projects (94-5-001)**

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	3,190,091
Prior Biennia (Expenditures) . . . . .	\$	231,807
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	3,421,898

**NEW SECTION. Sec. 700. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repair and minor improvement (96-1-001)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	10,000,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>40,000,000</u>
TOTAL . . . . .	\$	50,000,000

**NEW SECTION. Sec. 701. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repair roofs (96-1-010)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	5,406,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>16,000,000</u>
TOTAL . . . . .	\$	21,406,000

**NEW SECTION. Sec. 702. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repair heating, ventilation, and air conditioning (96-1-030)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	7,588,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>32,000,000</u>
TOTAL . . . . .	\$	39,588,000

**NEW SECTION. Sec. 703. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repair mechanical (96-1-060)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	1,262,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>6,000,000</u>
TOTAL . . . . .	\$	7,262,000



**NEW SECTION. Sec. 704. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repair electrical (96-1-080)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	2,192,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>8,000,000</u>
TOTAL . . . . .	\$	10,192,000

**NEW SECTION. Sec. 705. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repair exterior (96-1-100)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	2,419,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>8,000,000</u>
TOTAL . . . . .	\$	10,419,000

**NEW SECTION. Sec. 706. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Repair interiors (96-1-120)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	1,254,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>6,000,000</u>
TOTAL . . . . .	\$	7,254,000

**NEW SECTION. Sec. 707. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Site improvements (96-1-140)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	2,465,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>8,000,000</u>
TOTAL . . . . .	\$	10,465,000

**NEW SECTION. Sec. 708. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Infrastructure project savings (96-1-500)**

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road

and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation:**

St Bldg Constr Acct—State . . . . .	\$	1
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1

**NEW SECTION. Sec. 709. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Clover Park Technical College: Aviation trades complex, site acquisition, and related costs**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	2,100,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	2,100,000

**NEW SECTION. Sec. 710. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Minor program remodel and improvements (96-2-199)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	13,300,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	56,000,000
TOTAL . . . . .	\$	69,300,000

**NEW SECTION. Sec. 711. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Project artwork consolidation account (96-2-400)**

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	1
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	0
TOTAL . . . . .	\$	1

**NEW SECTION. Sec. 712. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**North Seattle Community College:** To design a Vocational Technical Center Building and a separate Child Care Center (96-2-651)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	895,712
Prior Biennia (Expenditures) . . . . .	\$	43,512
Future Biennia (Projected Costs) . . . . .	\$	<u>12,047,538</u>
TOTAL . . . . .	\$	12,986,762

**NEW SECTION. Sec. 713. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Everett Community College:** To procure land for a new access to the college and for a new Instruction Technology Center (96-2-652)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	3,558,440
Prior Biennia (Expenditures) . . . . .	\$	25,140
Future Biennia (Projected Costs) . . . . .	\$	<u>12,251,270</u>
TOTAL . . . . .	\$	15,834,850

**NEW SECTION. Sec. 714. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**South Seattle Community College:** To design the Integrated Learning Assistance Resource Center (ILARC) (96-2-653)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	592,266
Prior Biennia (Expenditures) . . . . .	\$	21,466
Future Biennia (Projected Costs) . . . . .	\$	<u>7,064,600</u>
TOTAL . . . . .	\$	7,678,332

**NEW SECTION. Sec. 715. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Olympic College Satellite—Poulsbo:** Design (96-2-654)

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act.

**Appropriation:**

St Bldg Constr Acct . . . . .	\$	755,000
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Prior Biennia (Expenditures) . . . . .	\$	26,359
Future Biennia (Projected Costs) . . . . .	\$	<u>10,248,000</u>
TOTAL . . . . .	\$	11,029,359

**NEW SECTION. Sec. 716. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Bellevue Community College Classroom/Laboratory Building: Design (96-2-655)**

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	587,000
Prior Biennia (Expenditures) . . . . .	\$	34,423
Future Biennia (Projected Costs) . . . . .	\$	<u>9,116,160</u>
TOTAL . . . . .	\$	9,737,583

**NEW SECTION. Sec. 717. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Tacoma Community College:** To acquire land for the Gig Harbor center.

**Appropriation:**

St Bldg Constr Acct—State . . . . .	\$	421,000
Prior Biennia (Expenditures) . . . . .	\$	0
Future Biennia (Projected Costs) . . . . .	\$	<u>0</u>
TOTAL . . . . .	\$	421,000

**PART 6  
MISCELLANEOUS**

**NEW SECTION. Sec. 801.** The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$14,710,000 during the 1995-97 fiscal period; \$86,791,000 during the 1997-99 fiscal period; \$123,561,000 during the 1999-2001 fiscal period; \$123,500,000 during the 2001-03 fiscal period; and \$123,450,000 during the 2003-05 fiscal period.

**NEW SECTION. Sec. 802. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.** The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and

consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts. Prior to the finalization of a financing contract authorized under this act there shall be placed on file with the office of financial management an amortization statement which provides a schedule of contracted payments by source of fund. In addition, the contracting agency shall provide to the office of financial management a condition statement regarding any existing facility which is acquired listing the expected renovation or improvement costs which shall be incurred within five years of occupancy. The office of financial management shall provide annual reports to the appropriate legislative committees summarizing the information regarding the payment schedule and facility condition.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration:

Long-term lease with an option to purchase or lease-purchase for office space and associated parking in downtown Tacoma. A financial plan identifying all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee.

(2) Liquor control board:

Lease-develop with an option to purchase a new liquor distribution center and materials handling center costing approximately \$30,000,000 to replace the current Seattle facility. A financial plan identifying all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee.

(3) Department of corrections:

(a) Lease-purchase property from the department of natural resources on which Cedar Creek, Larch, and Olympic correctional centers are located for up to \$1,000,000; and

(b) Lease-develop with the option to purchase or lease-purchase 240 work release beds in facilities throughout the state for \$10,080,000.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Clark College in the amount of \$4,200,000 and reserves pursuant to chapter 39.94 RCW, to purchase 12 acres and a 60,000 square foot building as an expansion site for the main campus.

(b) Enter into a long-term lease or lease-purchase contract for Clover Park Technical College in the amount of \$5,600,000 for off-campus aircraft training programs;

(c) Purchase from local funds or enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase 3.3 acres and a 67,000 square foot building to house classrooms, office facilities, and physical plant activities;

(d) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$1,600,000 and reserves pursuant to chapter 39.94 RCW, to purchase 1.2 acres and a 10,923 square foot building to house international programs and adult basic education and English as a second language instruction and student and faculty services;

(e) Purchase in a lump sum from local funds or enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,600,000 and reserves pursuant to chapter 39.94 RCW, to purchase 1.1 acres and a 32,000 square foot building to house the extended learning center. This facility is currently being leased and maintained by the college;

(f) Enter into a financing contract on behalf of Green River Community College in the amount of \$4,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase a 28,000 square foot building, site and associated parking to house extension and business related programs;

(g) Enter into a financing contract on behalf of Highline Community College in the amount of \$300,000 and reserves pursuant to chapter 39.94 RCW, to purchase 0.45 acres and a 1,500 square foot building;

(h) Lease-purchase or enter into a financing contract on behalf of South Puget Sound Community College in the amount of \$1,400,000 and reserves pursuant to chapter 39.94 RCW, to purchase 6.69 acres contiguous to the main campus;

(i) Lease-purchase or enter into a financing contract on behalf of Walla Walla Community College in the amount of \$1,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase 18 acres of land and 27,500 square feet of improvements contiguous to the site;

(j) Lease-purchase or enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$250,000 and reserves pursuant to chapter 39.94 RCW, to purchase 3 acres of land and erect a 7,500 square foot metal building to house physical plant shops.

(k) Lease-develop with option to purchase or enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$150,000 and reserves pursuant to chapter 39.94 RCW, to purchase 2 acres of land and construct additional parking for college faculty, staff, and students. This project is required by the City of Omak for the Wenatchee Valley College - North Campus;

(l) Lease-purchase or enter into a financing contract on behalf of Tacoma Community College in the amount of \$150,000 and reserves pursuant to chapter 39.94 RCW, to purchase 0.275 acres contiguous to the campus;

(m) Enter into a financing contract on behalf of Skagit Valley Community College in the amount of \$800,000 and reserves pursuant to chapter 39.94 RCW for the purchase and development of a 5,000 square foot educational and support services facility to provide instructional and meeting space for Skagit Valley Community College on San Juan Island;

(n) Lease-purchase or enter into a financing contract on behalf of Yakima Valley College in the amount of \$115,000 and reserves pursuant to chapter 39.94 RCW, to purchase two undeveloped lots adjacent to the campus for use as parking areas;

(o) Enter into a financing contract on behalf of Tacoma Community College in the amount of \$2,880,000 and reserves pursuant to chapter 39.94 RCW, to purchase the Gig Harbor extension center and site;

(p) Enter into a financing contract on behalf of South Seattle Community College in the amount of \$5,350,000 and reserves pursuant to chapter 39.94 RCW, to purchase approximately 11.08 acres of land to accommodate expansion of the Duwamish industrial education center;

(q) Enter into a long-term lease in a 11,097 square foot former bank building in Enumclaw by Green River Community College extension program for approximately \$90,000;

(r) Enter into a financing contract on behalf of Bellingham Technical College in the amount of \$1,100,000 and reserves pursuant to chapter 39.94 RCW, to purchase approximately 8.5 acres of land to accommodate expansion of the Bellingham Technical College;

(s) Lease-develop with option to purchase or lease-purchase a central data processing and telecommunications facility to serve the 33 community and technical colleges for \$5,000,000, subject to the approval of the office of financial management; and

(t) Lease-purchase 1.66 acres of land adjacent to Lake Washington Technical College for \$500,000;

(u) Lease-develop or lease-purchase property for the carpentry and electrical apprentice programs for Wenatchee Valley College for \$350,000;

(v) Acquire a residence that abuts the Bellevue Community College campus, valued at \$200,000, for use as an English language center and long term campus expansion;

(w) Enter into a financing contract on behalf of Columbia Basin College in the amount of \$3,000,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$4,000,000 work force and vocational training facility. Columbia Basin College shall provide the balance of project cost in local funds; and

(x) Enter into a financing contract on behalf of Shoreline Community College in the amount of \$400,000, plus financing expenses and reserves

pursuant to chapter 39.94 RCW, for construction of a \$3,500,000 vocational art facility. The balance of construction funds are appropriated in the capital budget.

**(5) State parks and recreation:**

Enter into a financing contract on behalf of state parks and recreation in the amount of \$600,000 and reserves pursuant to chapter 39.94 RCW, to develop new campsite electrical hookups and expand group camp facilities statewide.

**(6) Washington State University:**

(a) Enter into a financing contract for \$8,600,000 plus financing costs to construct a facility on the Vancouver Branch Campus. The facility will be leased to the federal general services administration to house the Cascades Volcano Observatory and the lease payments shall reimburse Washington State University for the cost of the financing contract; and

(b) Enter into a financing contract for \$7,500,000 plus financing costs to construct a portion of the Consolidated Information Center at the Tri-Cities Branch Campus. Washington State University will be reimbursed for the cost of the financing contract from federal money received for the operation and/or construction of the center.

**(7) Western Washington State University:**

Lease-purchase property adjacent or near to the campus for future expansion for \$2,000,000.

**(8) Washington state fruit commission:**

Enter into a financing contract for the purpose of completing its new headquarters and visitor center facility in the principal amount of \$300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW.

(9) The office of the state treasurer is authorized to enter into a financing contract pursuant to chapter 39.94 RCW for \$4,000,000 plus issuance expenses and required reserves to assist a consortium of Washington counties in the lease/purchase of leasehold improvements to Martin Hall, on the campus of eastern state hospital, in Medical Lake, and the renovation of the hall for use as a juvenile rehabilitation center. The participating counties shall be primarily and directly liable for the payments under the financing contract for the project and the office of the state treasurer shall be limited to a contingent obligation under the financing contract. In the event of any deficiency of payments by any of the participating counties under the financing contract, the office of the state treasurer is directed to withdraw from that county's share of state revenues for distribution an amount sufficient to fulfill the terms and conditions of the contract authorized under this subsection.

**(10) Washington state convention and trade center:**

(a) Enter into a financing contract in the amount of \$8,000,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for refinancing the parking revenue note issued by the corporation to Industrial Indemnity Corporation and held by its successor, Resolution Credit Service Corporation; and



(b) Enter into a financing contract in the amount of \$111,700,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for the construction of a \$130,000,000 expansion of the Washington state convention and trade center as authorized under chapter 386, Laws of 1995 in lieu of bonds described therein. The balance of the expansion project funds shall be provided from interest earnings and public or private funds.

**NEW SECTION. Sec. 803. COORDINATED FACILITY PLANNING AND SERVICE DELIVERY.** The Washington state patrol, the department of licensing, and the department of ecology shall coordinate their activities when siting facilities and setting program delivery approaches related to vehicle licensing and registration. This action shall result in the coordination of driver and vehicle licensing, vehicle emission testing, and vehicle inspection service whenever practical in order to improve client services. Collocation should be considered along with options in the operating budget related to integration of programs and changes in assignment of responsibility among affected agencies.

**NEW SECTION. Sec. 804. FOR THE ARTS COMMISSION—ART WORK ALLOWANCE POOLING.** (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 1995-97 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art.

**NEW SECTION. Sec. 805.** The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

**NEW SECTION. Sec. 806.** "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the

relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 1995, in the 1993-95 biennial appropriations for each project.

**NEW SECTION.** Sec. 807. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

**NEW SECTION.** Sec. 808. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives committee on capital budget.

**NEW SECTION.** Sec. 809. (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

**NEW SECTION.** Sec. 810. Notwithstanding any other provisions of law, for the 1995-97 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available to the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community and technical colleges need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

**NEW SECTION.** Sec. 811. Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the office of financial management and the department of general administration for possible consolidation, collocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

**NEW SECTION. Sec. 812.** The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes which govern the grants.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (1) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management at least thirty days before the date the transfer is effected. The director shall report all emergency or smaller transfers within thirty days from the date of transfer.

**NEW SECTION. Sec. 813.** To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section or in excess of \$5,000,000 shall not be expended until the office of financial management has reviewed the agency's predesign and other documents and approved an allotment for the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management.

**NEW SECTION. Sec. 814.** Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management.

**NEW SECTION. Sec. 815.** Appropriations for design and construction of facilities on higher education branch campuses shall proceed only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; (3) student full-time equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board; and (4) branch campus facility utilization policies and standards as determined by the office of financial management in consultation with the higher education coordinating board. The office of financial management shall report to the appropriate committees of the legislature, by December 1, 1996, the standards, policies and enrollment levels used as the basis for allotting funds for branch campus design and construction.

**NEW SECTION. Sec. 816.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunications equipment, new video telecommunications transmission, or new video telecommunications systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of the video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

**NEW SECTION. Sec. 817.** The department of natural resources shall submit economic assumptions and forecast methodology for trust revenues to the economic and revenue forecast work group. The supervisor of the economic and

revenue forecast council shall include the forecast of trust revenues in the economic and revenue forecasts described in RCW 82.33.020.

NEW SECTION. Sec. 818. No moneys in this act shall be used to develop facilities for juvenile offenders at Rainier school.

NEW SECTION. Sec. 819. STUDYING THE FEASIBILITY OF ESTABLISHING A POOLED REVENUE DISTRIBUTION SYSTEM FOR STATE TRUST LANDS. The board of natural resources shall evaluate the feasibility of establishing a pooled revenue distribution system for state lands, as defined in RCW 79.01.004, to provide a more consistent and predictable revenue stream to trust beneficiaries. For the purposes of this section, a "pooled revenue distribution system" means a system that distributes revenues to each trust beneficiary based on the proportional net present value of revenue forecasted for each trust ownership over a defined time period. Actual revenue distribution to each trust during a fiscal period would be based on the assigned proportional benefit multiplied by the actual total revenues produced from all state lands during the period. The board shall report to the legislature on its evaluation, including any recommendations for implementation, by November 1, 1995. The report shall include necessary modifications to the legal framework governing state trust land revenues, and a proposed valuation methodology, as well as a forecast of potential revenue distributions using a pooled revenue distribution system.

NEW SECTION. Sec. 820. 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. 821. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

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Passed the House May 24, 1995.

Passed the Senate May 25, 1995.

Approved by the Governor June 16, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State June 16, 1995.

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

"I am returning herewith, without my approval as to sections 243(3), 249(2), 276(5), and 327(5), Second Engrossed Substitute House Bill No. 1070 entitled:

"AN ACT Relating to the capital budget;"

The 1995-97 capital budget enacted by the legislature defers maintenance on some existing facilities and initiates a number of major new projects and programs. The future cost of continuing these new initiatives will create more competition for declining resources under the statutory debt limit. I am concerned about the high future costs inherent in this approach to the capital budget and will work diligently with the legislature in the future to ensure that an appropriate balance is struck between new program needs and protection of existing assets.

Section 243(3), page 43, Green Hill School (Department of Social and Health Services)

The proviso language of section 243(3) requires that residential housing units constructed at Green Hill School must "accommodate a sustained operating capacity of at least 42 residents." This proviso dictates design capacity before critical master planning for the Green Hill site has been completed. Residential space should be suitable for a

variety of security levels and their attendant programming needs, as well as changes in use of the facility. Every effort will be made by the Department to achieve the most appropriate and cost-effective design capacity allowed by programming and site restrictions and a highest and best use analysis of existing structures on the campus.

**Section 249(2), page 45, Camp Bonneville (Department of Social and Health Services)**

The proviso language of section 249(2) enables the Department of Social and Health Services to use up to \$5,000 of the appropriation for minor works at Juvenile Rehabilitation group homes for the purpose of acquiring the federal military base at Camp Bonneville for a future juvenile rehabilitation facility should it be closed. Recently, the community has indicated an interest in pursuing more appropriate alternatives for the base. Although the proviso is permissive, it may present unnecessary competition to the community effort.

**Section 276(5), page 52, Larch Corrections Center (Department of Corrections)**

The proviso language of section 276(5) prohibits the Department of Corrections from housing alien offenders at the Larch Corrections Center on or after January 1, 1996. Due to the impact of current drug sentencing laws, a large proportion of the alien offender population is eligible for minimum security classification. As part of the Department's strategy for effectively managing offenders, alien offenders are distributed throughout the minimum security camps in the system. Excluding this population from the Larch Corrections Center would result in a disproportionate number of alien offenders in the other minimum camps resulting in ethnic and racial imbalances, which could lead to increased offender management problems. In addition, this restriction could result in minimum custody alien offenders assigned to medium custody facilities, resulting in higher costs for these offenders than is necessary.

**Section 327(5), page 61, Washington Wildlife and Recreation Program (Interagency Committee For Outdoor Recreation)**

The proviso language of section 327(5) requires that all new acquisitions under the Washington Wildlife and Recreation Program (WWRP) fall under the state's eminent domain statutes. The original issue which this language was intended to address has been dealt with administratively, leaving this proviso unnecessary.

For these reasons, I have vetoed the proviso language of sections 243(3), 249(2), 276(5), and 327(5), Second Engrossed Substitute House Bill No. 1070.

With the exceptions of sections 243(3), 249(2), 276(5), and 327(5), Second Engrossed Substitute House Bill No. 1070 is approved."

## CHAPTER 17

[Engrossed Substitute House Bill 1071]

### GENERAL OBLIGATION BONDS—AUTHORITY TO ISSUE FOR COSTS ASSOCIATED WITH 1995-1997 BIENNIUM

AN ACT Relating to general obligation bonds; amending RCW 39.52.010 and 39.52.020; and adding a new chapter to Title 43 RCW.

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

**NEW SECTION.** Sec. 1. For the purpose of providing funds to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 1995-97 fiscal biennium, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eight hundred eleven million dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such

price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

**NEW SECTION. Sec. 2.** The proceeds from the sale of the bonds authorized in section 1 of this act shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

(1) Seven hundred eighty million dollars to remain in the state building construction account created by RCW 43.83.020;

(2) Twenty million dollars to the outdoor recreation account created by RCW 43.99.060;

(3) Eighteen million six hundred thousand dollars to the habitat conservation account created by RCW 43.98A.020;

(4) Two million nine hundred twelve thousand dollars to the public safety reimbursable bond account; and

(5) Ten million dollars to the higher education construction account created by RCW 28B.14D.040.

These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

**NEW SECTION. Sec. 3.** (1) The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in section 2 (1), (2), (3), (4), and (5) of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2(4) of this act, the state treasurer shall transfer from the public safety and education account to the general fund of the state treasury the amount computed in subsection (2) of this section for the bonds issued for the purposes of section 2(4) of this act.

(4) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2(5) of this act, the board of regents of the University of Washington shall cause to be paid out of University of Washington nonappropriated local funds to the state treasurer for deposit into the general fund of the state treasury the amount computed in subsection (2) of this section for bonds issued for the purposes of section 2(5) of this act.



(5) Bonds issued under this section and sections 1 and 2 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(6) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 4. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and section 3 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 5. The bonds authorized in section 1 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

Sec. 6. RCW 39.52.010 and 1984 c 186 s 36 are each amended to read as follows:

Any county, city, or town in the state of Washington which now has or may hereafter have an outstanding indebtedness evidenced by warrants or bonds, including warrants or bonds of any county, city, or town which are special fund obligations of and constitute a lien upon the waterworks or other public utilities of such county, city, or town, and are payable only from the income or funds derived or to be derived therefrom, whether issued originally within the limitations of the Constitution of this state, or of any law thereof, or whether such outstanding indebtedness has been or may hereafter be validated or legalized in the manner prescribed by law, may, by its corporate authorities, provide by ordinance or resolution for the issuance of funding bonds with which to take up and cancel such outstanding indebtedness in the manner hereinafter described, said bonds to constitute general obligations of such county, city, or town: PROVIDED, That special fund obligations payable only from the income funds of the public utility, shall not be refunded by the issuance of general municipal bonds where voter approval is required before general municipal bonds may be issued for such public utility purposes, unless such general municipal bonds shall have been previously authorized. Nothing in this chapter shall be so construed as to prevent any such county, city, or town from funding its indebtedness as now provided by law.

Sec. 7. RCW 39.52.020 and 1984 c 186 s 37 are each amended to read as follows:

No bonds issued under this chapter shall be issued for a longer period than twenty years. Nothing in this chapter shall be deemed to authorize the issuing of any funding bonds which exceeds any constitutional or statutory limitations of indebtedness. Such bonds shall be issued and sold in accordance with chapters 39.46 and 39.53 RCW, exclusive of RCW 39.53.120.

**NEW SECTION.** Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 9. Sections 1 through 5 of this act shall constitute a new chapter in Title 43 RCW.

Passed the House May 24, 1995.

Passed the Senate May 24, 1995.

Approved by the Governor June 16, 1995.

Filed in Office of Secretary of State June 15, 1995.

## CHAPTER 18

[Engrossed Substitute House Bill 1410]

OPERATING BUDGET, 1995-1997

AN ACT Relating to fiscal matters; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1995, and ending June 30, 1997; amending RCW 19.118.110, 43.08.250, 70.47.030, 70.105D.070, 86.26.007, 43.155.050, 69.50.520, 70.146.020, 70.146.030, 74.14C.065, and 79.24.580; reenacting and amending RCW 41.06.150; creating new sections; providing an effective date; and declaring an emergency.

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

**NEW SECTION.** Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1995, and ending June 30, 1997, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1996" or "FY 1996" means the fiscal year ending June 30, 1996.

(b) "Fiscal year 1997" or "FY 1997" means the fiscal year ending June 30, 1997.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

PART I  
GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation (FY 1996) . . . . .	\$	23,862,000
General Fund Appropriation (FY 1997) . . . . .	\$	23,685,000
TOTAL APPROPRIATION . . . . .	\$	47,547,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$125,000 of the appropriation in this section is for the joint legislative ethics board.

(2) The legislature shall establish a medical assistance fiscal study group to analyze health care costs and utilization to seek solutions to the rapid increases in medical assistance expenditures.

(3) The legislature shall study the process and information used to determine eligibility for the general assistance-unemployable program administered by the department of social and health services economic services administration. The legislature shall: (a) Seek assistance from medical professionals with experience in assessing physical and mental disabilities; (b) explore options to provide designated training or support services for general assistance-unemployable recipients to enable them to become employable; and (c) propose program changes to meet the funding levels provided in the 1995-97 biennial budget. Findings and proposed program changes shall be reported to the fiscal committees of the legislature no later than December 20, 1995.

(4)(a) The respective fiscal committees of the house of representatives and the senate shall evaluate the fiscal notes used by the legislature to inform it of the costs and savings estimated to result from proposed legislation. The evaluation shall identify: (i) Whether the process for developing fiscal notes has adequate controls to ensure that the data and methodologies used are current and reliable, and (ii) how the accuracy, reliability and timeliness of fiscal notes can be improved.

(b) The study shall include: (i) A review of fiscal notes on legislation pertaining to a variety of state programs; (ii) a survey of fiscal note requirements, systems, and agencies in other states; (iii) an analysis of methods used in the public and private sectors that could be used to improve the reliability and accuracy and timeliness of fiscal notes; (iv) identification of statutes, policies, and rules that should be changed to improve the reliability and accuracy of fiscal notes; (v) recommendations on when fiscal notes should be required; (vi) recommendations on the appropriate assignment of responsibility for the development of fiscal notes; and (vii) recommendations on how the process for developing fiscal notes can be changed to reduce the time it takes to produce a reliable and accurate fiscal note.

(5) Within the funds provided in this section, the legislature shall review and identify state programs or services that may be competitively contracted to produce cost savings or improvements in the quality or level of services without harm to the public good. The review will include an evaluation of results obtained in other states that have competitively contracted for these and other programs or services. The review may include specific information regarding the feasibility of privatizing the construction and operation of correctional institutions and juvenile rehabilitation facilities. A preliminary report shall be completed by January 1, 1996, and a final report by January 1, 1997.

**NEW SECTION. Sec. 102. FOR THE SENATE**

General Fund Appropriation (FY 1996) . . . . .	\$	17,397,000
General Fund Appropriation (FY 1997) . . . . .	\$	19,198,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>36,595,000</b>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$125,000 of the appropriation in this section is for the joint legislative ethics board.

(2) The legislature shall establish a medical assistance fiscal study group to analyze health care costs and utilization to seek solutions to the rapid increases in medical assistance expenditures.

(3) The legislature shall study the process and information used to determine eligibility for the general assistance-unemployable program administered by the department of social and health services economic services administration. The legislature shall: (a) Seek assistance from medical professionals with experience in assessing physical and mental disabilities; (h) explore options to provide designated training or support services for general assistance-unemployable recipients to enable them to become employable; and (c) propose program changes to meet the funding levels provided in the 1995-97 biennial budget. Findings and proposed program changes shall be reported to the fiscal committees of the legislature no later than December 20, 1995.

(4)(a) The respective fiscal committees of the house of representatives and the senate shall evaluate the fiscal notes used by the legislature to inform it of the costs and savings estimated to result from proposed legislation. The evaluation shall identify: (i) Whether the process for developing fiscal notes has adequate controls to ensure that the data and methodologies used are current and reliable, and (ii) how the accuracy, reliability and timeliness of fiscal notes can be improved.

(b) The study shall include: (i) A review of fiscal notes on legislation pertaining to a variety of state programs; (ii) a survey of fiscal note requirements, systems, and agencies in other states; (iii) an analysis of methods used in the public and private sectors that could be used to improve the reliability and accuracy and timeliness of fiscal notes; (iv) identification of statutes, policies, and rules that should be changed to improve the reliability and accuracy of fiscal

notes; (v) recommendations on when fiscal notes should be required; (vi) recommendations on the appropriate assignment of responsibility for the development of fiscal notes; and (vii) recommendations on how the process for developing fiscal notes can be changed to reduce the time it takes to produce a reliable and accurate fiscal note.

(5) Within the funds provided in this section, the legislature shall review and identify state programs or services that may be competitively contracted to produce cost savings or improvements in the quality or level of services without harm to the public good. The review will include an evaluation of results obtained in other states that have competitively contracted for these and other programs or services. The review may include specific information regarding the feasibility of privatizing the construction and operation of correctional institutions and juvenile rehabilitation facilities. A preliminary report shall be completed by January 1, 1996, and a final report by January 1, 1997.

**NEW SECTION. Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE**

General Fund Appropriation (FY 1996) . . . . .	\$	1,557,000
General Fund Appropriation (FY 1997) . . . . .	\$	1,268,000
TOTAL APPROPRIATION . . . . .	\$	2,825,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$288,000 is provided solely for the legislative budget committee to conduct a performance audit of the office of the superintendent of public instruction and report its finding to the appropriate committees of the legislature by December 31, 1995. In addition to the standard items reviewed in a performance audit, the committee is directed to provide the following: (a) A determination of methods to maximize the amount of federal funds received by the state; (b) the identification of potential cost savings from any office programs which could be eliminated or transferred to the private sector; (c) an analysis of gaps and overlaps in office programs; and (d) an evaluation of the efficiency with which the office of the superintendent of public instruction operates the programs under its jurisdiction and fulfills the duties assigned to it by law. In conducting the performance audit, the legislative budget committee is also directed to use performance measures or standards used by other states or other large education organizations in developing its findings.

(2) The general fund appropriation contains sufficient funds for the legislative budget committee to perform the study required in Second Substitute Senate Bill No. 5574 regarding the transfer of forest board lands to the counties.

**NEW SECTION. Sec. 104. FOR THE PERFORMANCE PARTNERSHIP COUNCIL**

General Fund Appropriation (FY 1996) . . . . .	\$	250,000
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**NEW SECTION. Sec. 105. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

**Ch. 18 WASHINGTON LAWS, 1995 2nd Sp. Sess.**

General Fund Appropriation (FY 1996) . . . . .	\$	1,162,000
General Fund Appropriation (FY 1997) . . . . .	\$	1,162,000
TOTAL APPROPRIATION . . . . .	\$	2,324,000

**NEW SECTION. Sec. 106. FOR THE OFFICE OF THE STATE ACTUARY**

Department of Retirement Systems Expense Account

Appropriation . . . . .	\$	1,573,000
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**NEW SECTION. Sec. 107. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund Appropriation (FY 1996) . . . . .	\$	4,450,000
General Fund Appropriation (FY 1997) . . . . .	\$	4,450,000
TOTAL APPROPRIATION . . . . .	\$	8,900,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be transferred to the legislative systems revolving fund.

**NEW SECTION. Sec. 108. FOR THE STATUTE LAW COMMITTEE**

General Fund Appropriation (FY 1996) . . . . .	\$	3,076,000
General Fund Appropriation (FY 1997) . . . . .	\$	3,356,000
TOTAL APPROPRIATION . . . . .	\$	6,432,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$55,000 is provided solely for the uniform legislation commission.
- (2) \$40,000 is provided for the compilation and publication of a quarterly report on agency rule-making activity pursuant to section 704 of Engrossed Substitute House Bill No. 1010 (regulatory reform).

**NEW SECTION. Sec. 109. LEGISLATIVE AGENCIES.** In order to implement cost reduction measures required by this act and to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, legislative budget committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.

**NEW SECTION. Sec. 110. FOR THE SUPREME COURT**

General Fund Appropriation (FY 1996) . . . . .	\$	4,419,000
General Fund Appropriation (FY 1997) . . . . .	\$	4,456,000
TOTAL APPROPRIATION . . . . .	\$	8,875,000

**NEW SECTION. Sec. 111. FOR THE LAW LIBRARY**

General Fund Appropriation (FY 1996) . . . . .	\$	1,607,000
General Fund Appropriation (FY 1997) . . . . .	\$	1,608,000

TOTAL APPROPRIATION . . . . . \$ 3,215,000

**NEW SECTION. Sec. 112. FOR THE COURT OF APPEALS**

General Fund Appropriation (FY 1996) . . . . . \$ 8,834,000  
 General Fund Appropriation (FY 1997) . . . . . \$ 8,834,000  
 TOTAL APPROPRIATION . . . . . \$ 17,668,000

**NEW SECTION. Sec. 113. FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund Appropriation (FY 1996) . . . . . \$ 595,000  
 General Fund Appropriation (FY 1997) . . . . . \$ 606,000  
 TOTAL APPROPRIATION . . . . . \$ 1,201,000

**NEW SECTION. Sec. 114. FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund Appropriation (FY 1996) . . . . . \$ 11,658,000  
 General Fund Appropriation (FY 1997) . . . . . \$ 11,728,000  
 Public Safety and Education Account  
     Appropriation . . . . . \$ 41,403,000  
 Judicial Information Systems Account  
     Appropriation . . . . . \$ 6,446,000  
 TOTAL APPROPRIATION . . . . . \$ 71,235,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account shall be used to fund computer systems for the supreme court, the court of appeals, and the office of the administrator for the courts. Expanding services to the courts, technology improvements, and criminal justice proposals shall receive priority consideration for the use of these funds.

(2) \$63,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5235 (judgeship for Clark county). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$6,510,000 of the public safety and education account appropriation is provided solely for the continuation of treatment alternatives to street crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(4) \$9,326,000 of the public safety and education account is provided solely for the indigent appeals program.

(5) \$26,000 of the public safety and education account and \$110,000 of the judicial information systems account are to implement Engrossed Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(6) \$138,000 of the public safety and education account is provided solely for Thurston county impact costs.

(7) \$223,000 of the public safety and education account is provided solely for the gender and justice commission.

(8) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

(9) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution, it is the intent of the legislature that the cost of these employer contributions shall be shared equally between the state and the county or counties in which the judges serve. The administrator for the courts shall establish procedures for the collection and disbursement of these employer contributions.

**NEW SECTION. Sec. 115. FOR THE OFFICE OF THE GOVERNOR**

General Fund Appropriation (FY 1996) . . . . .	\$	2,899,000
General Fund Appropriation (FY 1997) . . . . .	\$	2,898,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>5,797,000</b>

**NEW SECTION. Sec. 116. FOR THE LIEUTENANT GOVERNOR**

General Fund Appropriation (FY 1996) . . . . .	\$	242,000
General Fund Appropriation (FY 1997) . . . . .	\$	243,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>485,000</b>

**NEW SECTION. Sec. 117. FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund Appropriation (FY 1996) . . . . .	\$	1,107,000
General Fund Appropriation (FY 1997) . . . . .	\$	1,045,000
Industrial Insurance Premium Refund Account		
Appropriation . . . . .	\$	725
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>2,152,725</b>

**NEW SECTION. Sec. 118. FOR THE SECRETARY OF STATE**

General Fund Appropriation (FY 1996) . . . . .	\$	9,175,000
General Fund Appropriation (FY 1997) . . . . .	\$	5,924,000
Archives and Records Management Account		
Appropriation . . . . .	\$	4,330,000
Department of Personnel Service Account		
Appropriation . . . . .	\$	647,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>20,076,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,859,975 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.



(2) \$5,183,762 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$140,000 of the general fund appropriation is provided solely for the state's participation in the United States census block boundary suggestion program.

(4) The general fund appropriation for fiscal year 1996 shall be reduced by \$726,000 if Engrossed Senate Bill No. 5852 (presidential preference primary) is enacted by March 15, 1996.

(5) \$10,000 is provided solely for the purposes of Substitute House Bill No. 1497 (preservation of electronic public records),

**NEW SECTION. Sec. 119. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund Appropriation (FY 1996) . . . . .	\$	151,000
General Fund Appropriation (FY 1997) . . . . .	\$	152,000
TOTAL APPROPRIATION . . . . .	\$	303,000

**NEW SECTION. Sec. 120. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS**

General Fund Appropriation (FY 1996) . . . . .	\$	173,000
General Fund Appropriation (FY 1997) . . . . .	\$	173,000
TOTAL APPROPRIATION . . . . .	\$	346,000

**NEW SECTION. Sec. 121. FOR THE STATE TREASURER**

State Treasurer's Service Account

Appropriation . . . . .	\$	10,454,000
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**NEW SECTION. Sec. 122. FOR THE STATE AUDITOR**

General Fund Appropriation (FY 1996) . . . . .	\$	12,000
General Fund Appropriation (FY 1997) . . . . .	\$	10,000
Municipal Revolving Account		
Appropriation . . . . .	\$	24,886,000
Auditing Services Revolving Account		
Appropriation . . . . .	\$	11,814,000
TOTAL APPROPRIATION . . . . .	\$	36,722,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) The state auditor, in consultation with the legislative budget committee, shall conduct a performance audit of the state investment board. In conducting the audit, the state auditor shall: (a) Establish and publish a schedule of the

performance audit and shall solicit public comments relative to the operations of the state investment board at least three months prior to conducting the scheduled performance audit; (b) under the provisions of chapter 39.29 RCW, obtain and utilize a private firm to conduct the audit. The firm selected shall utilize professional staff possessing the education, training, and practical experience in auditing private and governmental entities responsible for the investment of funds necessary to capably conduct the audit required by this subsection. The firm selected for the audit shall determine the extent to which the state investment board is operating consistently with the performance audit measures developed by the state auditor, acting together with the board, the legislative budget committee, the office of financial management, the state treasurer, and other state agencies, as appropriate. The audit measures shall incorporate appropriate institutional investment industry criteria for measuring management practices and operations. The firm shall recommend in its report any actions deemed appropriate that the board can take to operate more consistently with such measures. The cost of the performance audit conducted shall be paid by the board from nonappropriated investment earnings.

**NEW SECTION. Sec. 123. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund Appropriation (FY 1996) . . . . .	\$	6,000
General Fund Appropriation (FY 1997) . . . . .	\$	59,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>65,000</b>

**NEW SECTION. Sec. 124. FOR THE ATTORNEY GENERAL**

General Fund—State Appropriation (FY 1996) . . . . .	\$	3,228,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	3,225,000
General Fund—Federal Appropriation . . . . .	\$	1,624,000
Public Safety and Education Account		
Appropriation . . . . .	\$	1,250,000
State Investment Board Expense Account		
Appropriation . . . . .	\$	4,000,000
New Motor Vehicle Arbitration Account		
Appropriation . . . . .	\$	1,782,000
Legal Services Revolving Account		
Appropriation . . . . .	\$	113,972,000
Health Services Account Appropriation . . . . .	\$	300,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>129,381,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. The attorney general may, with approval of the office of financial management change its billing system to meet the needs of its user agencies.

(3) \$4,000,000 from the state investment board expense account appropriation is provided solely for attorney general costs and related expenses in aggressively pursuing litigation related to real estate investments on behalf of the state investment board. To the maximum extent possible, attorney general staff shall be used in pursuing this litigation.

**NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS**

Securities Regulation Account

Appropriation . . . . . \$ 4,515,000

**\*NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

General Fund—State Appropriation (FY 1996) . . . . . \$ 48,627,000

General Fund—State Appropriation (FY 1997) . . . . . \$ 47,328,000

General Fund—Federal Appropriation . . . . . \$ 147,991,000

General Fund—Private/Local Appropriation . . . . . \$ 1,676,000

Public Safety and Education Account

Appropriation . . . . . \$ 8,764,000

Waste Reduction, Recycling, and Litter Control

Account Appropriation . . . . . \$ 2,006,000

Washington Marketplace Program Account

Appropriation . . . . . \$ 150,000

Public Works Assistance Account

Appropriation . . . . . \$ 1,068,000

Building Code Council Account

Appropriation . . . . . \$ 1,289,000

Administrative Contingency Account

Appropriation . . . . . \$ 1,776,000

Low-Income Weatherization Assistance Account

Appropriation . . . . . \$ 923,000

Violence Reduction and Drug Enforcement Account

Appropriation . . . . . \$ 6,027,000

Manufactured Home Installation Training Account

Appropriation . . . . . \$ 150,000

Washington Housing Trust Account

**Ch. 18                      WASHINGTON LAWS, 1995 2nd Sp. Sess.**

Appropriation . . . . .	\$	4,686,000
Public Facility Construction Revolving Account		
Appropriation . . . . .	\$	238,000
Solid Waste Management Account Appropriation . . . .	\$	700,000
Growth Management Planning and Environmental		
Review Fund Appropriation . . . . .	\$	3,000,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>276,399,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,065,000 of the general fund—state appropriation is provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1993-95 biennium.

(2) \$538,000 of the general fund—state appropriation is provided solely to implement Substitute House Bill No. 1724 (growth management).

(3) In order to offset reductions in federal community services block grant funding for community action agencies, the department shall set aside \$4,800,000 of federal community development block grant funds for distribution to local governments to allocate to community action agencies state-wide.

(4) \$8,915,000 of the general fund—federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 1996 as follows:

(a) \$3,603,250 to local units of government to continue multijurisdictional drug task forces;

(b) \$934,000 to the Washington state patrol for coordination, technical assistance, and investigative and supervisory staff support for multijurisdictional narcotics task forces;

(c) \$456,000 to the department to continue the state-wide drug prosecution assistance program;

(d) \$93,000 to the department to continue a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(e) \$744,000 to the department to continue the youth violence prevention and intervention projects;

(f) \$240,000 to the department for grants to support tribal law enforcement needs;

(g) \$495,000 is provided to the Washington state patrol for a state-wide integrated narcotics system;

(h) \$538,000 to the department for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;

(i) \$51,000 to the Washington state patrol for data collection;

(j) \$445,750 to the office of financial management for the criminal history records improvement program;

(k) \$42,000 to the department to support local services to victims of domestic violence;

(l) \$300,000 to the department of community, trade, and economic development for domestic violence legal advocacy;

(m) \$300,000 to the department of community, trade, and economic development for grants to provide a defender training program; and

(n) \$673,000 to the department of corrections for the expansion of correctional industries projects that place inmates in a realistic working and training environment.

(5) \$3,960,000 of the public safety and education account appropriation is provided solely for the office of crime victims' advocacy.

(6) \$216,000 of the general fund—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(7) \$200,000 of the general fund—state appropriation is provided solely as a grant for the community connections program in Walla Walla county.

(8) \$30,000 of the Washington housing trust account appropriation is provided solely for the department to conduct an assessment of the per square foot cost associated with constructing or rehabilitating buildings financed by the housing trust fund for low-income housing. The department may contract with specially trained teams to conduct this assessment. The department shall report to the legislature by December 31, 1995. The report shall include:

(a) The per square foot cost of each type of housing unit financed by the housing trust fund;

(b) An assessment of the factors that affect the per square foot cost;

(c) Recommendations for reducing the per square foot cost, if possible;

(d) Guidelines for housing costs per person assisted; and

(e) Other relevant information.

(9) \$350,000 of the general fund—state appropriation is provided solely for the retired senior volunteer program.

(10) \$300,000 of the general fund—state appropriation is provided solely to implement House Bill No. 1687 (court-appointed special advocates). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(11) \$50,000 of the general fund—state appropriation is provided solely for the purpose of a feasibility study of the infrastructure, logistical, and informational needs for the region involving Washington, Oregon, and British Columbia to host the summer Olympic Games in the year 2004 or 2008. The feasibility study shall be conducted using the services of a nonprofit corporation currently pursuing and having shown progress toward this purpose. The amount provided in this subsection may be expended only to the extent that it is matched on a dollar-for-dollar basis by funds for the same purpose from nonstate sources.

(12) \$100,000 of the general fund—state appropriation is provided solely as a grant to a nonprofit organization for costs associated with development of the Columbia Breaks Fire Interpretive Center.

*(13) \$150,000 of the general fund—state appropriation is provided solely for operation of the marketplace program and to provide state matching funds for a federal grant.*

(14) \$100,000 of the general fund—state appropriation is provided solely for the Pierce county long-term care ombudsman program.

(15) \$60,000 of the general fund—state appropriation is provided solely for the Pacific Northwest economic region.

(16) \$500,000 of the general fund—state appropriation is provided solely for distribution to the city of Burien for analysis of the proposed Port of Seattle third runway including preparation of a draft environmental impact statement and other technical studies. The amount provided in this subsection shall not be expended directly or indirectly for litigation, public relations, or any form of consulting services for the purposes of opposing the construction of the proposed third runway.

(17) Not more than \$458,000 of the general fund—state appropriation may be expended for the operation of the Pacific northwest export assistance project. The department will continue to implement a plan for assessing fees for services provided by the project. It is the intent of the legislature that the revenues raised to defray the expenditures of this program will be increased to fifty percent of the expenditures in fiscal year 1996 and seventy-five percent of the expenditures in fiscal year 1997. Beginning in fiscal year 1998, the legislature intends that this program will be fully self-supporting.

(18) \$4,804,000 of the public safety and education account appropriation is provided solely for contracts with qualified legal aid programs for civil indigent legal representation pursuant to RCW 43.08.260. It is the intent of the legislature to ensure that legal aid programs receiving funds appropriated in this act pursuant to RCW 43.08.260 comply with all applicable restrictions on use of these funds. To this end, during the 1995-97 fiscal biennium the department shall monitor compliance with the authorizing legislation, shall oversee the implementation of this subsection, and shall report directly to the appropriations committee of the house of representatives and the ways and means committee of the senate.

(a) It is the intent of the legislature to improve communications between legal aid programs and persons affected by the activities of legal aid programs. There is established for the 1995-97 fiscal biennium a task force on agricultural interests/legal aid relations. The task force shall promote better understanding and cooperation between agricultural interests and legal aid programs and shall provide a forum for discussion of issues of common concern. The task force shall not involve itself in pending litigation.

(i) The task force shall consist of the following sixteen members: Four representatives of agricultural organizations, to be appointed by the legislator

members; two individuals who represent the corresponding interests of legal clients, to be appointed by organizations designated by the three legal services programs; two representatives of Evergreen Legal Services, to be appointed by its board of directors; one representative each from Puget Sound Legal Assistance Foundation and Spokane Legal Services Center, each to be appointed by its directors; one member from each of the majority and minority caucuses of the house of representatives, to be appointed by the speaker of the house of representatives; one member from each of the majority and minority caucuses of the senate, to be appointed by the president of the senate; and two members of the supreme court-appointed access to justice board, to be appointed by the board. During fiscal year 1996, the task force shall be chaired by a legislative member, to be selected by the task force members. During fiscal year 1997, the committee shall be chaired by a nonlegislator member, to be selected by the task force members.

(ii) All costs associated with the meetings shall be borne by the individual task force members or by the organizations that the individuals represent. No task force member shall be eligible for reimbursement of expenses under RCW 43.03.050 or 43.03.060. Nothing in this subsection prevents the legal aid programs from using funds appropriated in this act to reimburse their representatives or the individuals representing legal clients.

(iii) The task force will meet at least four times during the first year of the biennium and as frequently as necessary thereafter at mutually agreed upon times and locations. Any member of the task force may place items on meeting agendas. Members present at the first two task force meetings shall agree upon a format for subsequent meetings.

(b) The legislature recognizes that farmworkers have the right to receive basic information and to consult with attorneys at farm labor camps without fear of intimidation or retaliation. It is the intent of the legislature and in the interest of the public to ensure the safety of all persons affected by legal aid programs' farm labor camp outreach activities. Legal aid program employees have the legal right to enter the common areas of a labor camp or to request permission of employees to enter their dwellings. Employees living in grower supplied housing have the right to refuse entry to anyone including attorneys unless they have a warrant. Individual employees living in employer supplied housing do not have the right to force legal aid program employees to leave common areas of housing (outside) as long as one person who resides in the associated dwellings wants that person to be there. Any legal aid program employee wishing to visit employees housed on grower property has the right to enter the driveway commonly used by the housing occupants. This means that if agricultural employees must use a grower's personal driveway to get to their housing, legal aid program employees also may use that driveway to access the housing without a warrant so long as at least some of the housing is occupied. When conducting outreach activities that involve entry onto labor camps, legal aid programs shall establish and abide by policies regarding conduct of outreach activities. The

policies shall include a requirement that legal aid program employees identify themselves to persons whom they encounter at farm labor camps. The legal aid programs shall provide copies of their current outreach policies to known agricultural organizations and shall provide copies upon request to any owner of property on which farmworkers are housed. Legal aid program employees involved in outreach activities shall attempt to inform operators of licensed farm labor camps or their agents, and known grower organizations of the approximate time frame for outreach activities and shall cooperate with operators of farm labor camps at which farmworkers are housed in assuring compliance with all pertinent laws and ordinances, including those related to trespass and harassment. Employers who believe that Evergreen Legal Services Outreach Guidelines have been violated shall promptly provide all available information on the alleged violation to the director of Evergreen Legal Services and to the chair of the Task Force on Agricultural Interests/Legal Aid Relations. Evergreen Legal Services will promptly investigate any alleged violations of the outreach guidelines and inform the complaining party of the result. If the resolution of the investigation is not satisfactory to the complainant, the matter shall be placed on the Task Force agenda for discussion at the next scheduled meeting. Employers who believe that Evergreen Legal Services staff members have trespassed should immediately contact local law enforcement authorities.

(c) It is the intent of the legislature to provide the greatest amount of legal services to the largest number of clients by discouraging inefficient use of state funding for indigent legal representation. To this end, it is the intent of the legislature that, prior to the commencement of litigation against any private employer relating to the terms and conditions of employment legal aid programs receiving funds appropriated in this act make good faith written demand for the requested relief, a good faith offer of settlement or an offer to submit to nonbinding arbitration prior to filing a lawsuit, unless the making of the offer is, in the opinion of the director of the legal services program or his/her designee, clearly prejudicial to: (i) The health, safety, or security of the client; or (ii) the timely availability of judicial relief. The director of the legal aid program may designate not more than two persons for purposes of making the determination of prejudice permitted by this section.

(d)(i) The legislature encourages legal aid programs to devote their state and nonstate funding to the basic, daily legal needs of indigent persons. No funds appropriated under this act may be used for legal representation and activities outside the scope of RCW 43.08.260.

(ii) No funds appropriated in this act may be used for lobbying as defined in RCW 43.08.260(3). Legal aid programs receiving funds appropriated in this act shall comply with all restrictions on lobbying contained in Federal Legal Services Corporation Act (P.L. 99-951) and regulations promulgated thereunder.

(e) No funds appropriated in this act may be used by legal aid programs for representation of undocumented aliens.



(f) The legislature recognizes the duty of legal aid programs to preserve inviolate and prevent the disclosure of, in the absence of knowing and voluntary client consent, client information protected by the United States Constitution, the Washington Constitution, the attorney-client privilege, or any applicable attorney rule of professional conduct. However, to the extent permitted by applicable law, legal aid programs receiving funds appropriated in this act shall, upon request, provide information on their activities to the department and to legislators for purposes of monitoring compliance with authorizing legislation and this subsection.

(g) Nothing in this subsection is intended to limit the authority of existing entities, including but not limited to the Washington state bar association, the public disclosure commission, and the Federal Legal Services Corporation, to resolve complaints or disputes within their jurisdiction.

\*Sec. 126 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 127. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund Appropriation (FY 1996) . . . . .	\$	410,000
General Fund Appropriation (FY 1997) . . . . .	\$	410,000
TOTAL APPROPRIATION . . . . .	\$	820,000

**NEW SECTION. Sec. 128. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund—State Appropriation (FY 1996) . . . . .	\$	9,482,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	9,138,000
General Fund—Federal Appropriation . . . . .	\$	12,432,000
General Fund—Private/Local Appropriation . . . . .	\$	720,000
Health Services Account Appropriation . . . . .	\$	330,000
Public Safety and Education Account		
Appropriation . . . . .	\$	200,000
TOTAL APPROPRIATION . . . . .	\$	32,302,000

The appropriations in this subsection are subject to the following conditions and limitations: \$300,000 of the general fund—state appropriation is provided solely as the state’s share of funding for the "Americorps" youth employment program.

**NEW SECTION. Sec. 129. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account		
Appropriation . . . . .	\$	14,487,000

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF PERSONNEL**

General Fund—State Appropriation (FY 1996) . . . . .	\$	360,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	360,000
General Fund—Federal Appropriation . . . . .	\$	700,000
Personnel Data Revolving Account Appropriation . . . . .	\$	880,000

Department of Personnel Service Account

Appropriation . . . . . \$ 15,354,000

Higher Education Personnel Services Account

Appropriation . . . . . \$ 1,656,000

TOTAL APPROPRIATION . . . . . \$ 19,310,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall reduce its charge for personnel services to the lowest rate possible.

(2) \$32,000 of the department of personnel service fund appropriation is provided solely for the creation, printing, and distribution of the personal benefits statement for state employees.

(3) The general fund—state appropriation, the general fund—federal appropriation, the personnel data revolving account appropriation, and \$300,000 of the department of personnel service account appropriation shall be used solely for the establishment of a state-wide human resource information data system and network within the department of personnel and to improve personnel data integrity. Authority to expend these amounts is conditioned on compliance with section 902 of this act. The personnel data revolving account is hereby created in the state treasury to facilitate the transfer of moneys from dedicated funds and accounts. To allocate the appropriation from the personnel data revolving account among the state's dedicated funds and accounts based on each fund or account's pro rata share of the state salary base, the state treasurer is directed to transfer sufficient money from each fund or account to the personnel data revolving account in accordance with schedules provided by the office of financial management.

(4) The department of personnel shall charge all administrative services costs incurred by the committee for deferred compensation or the department of retirement systems for the deferred compensation program to the deferred compensation administrative account. Department billings to the committee or the department of retirement systems shall be for actual costs only.

(5) The department of personnel service fund appropriation contains sufficient funds to continue the employee exchange program with the Hyogo prefecture in Japan.

(6) \$500,000 of the department of personnel service account appropriation is provided solely for a career transition program to assist state employees who are separated or are at risk of lay-off due to reduction-in-force, including employee retraining and career counseling.

(7) The department of personnel has the authority to charge agencies for expenses resulting from the administration of a benefits contribution plan established by the health care authority. Fundings to cover these expenses shall be realized from agency FICA tax savings associated with the benefits contributions plan.

**NEW SECTION. Sec. 131. FOR THE COMMITTEE FOR DEFERRED COMPENSATION**

Dependent Care Administrative Account

Appropriation . . . . . \$ 166,000

**NEW SECTION. Sec. 132. FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account

Appropriation . . . . . \$ 18,813,000

**NEW SECTION. Sec. 133. FOR THE WASHINGTON STATE GAMBLING COMMISSION**

Industrial Insurance Premium Refund Account

Appropriation . . . . . \$ 14,000

**NEW SECTION. Sec. 134. FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund Appropriation (FY 1996) . . . . . \$ 195,000

General Fund Appropriation (FY 1997) . . . . . \$ 195,000

TOTAL APPROPRIATION . . . . . \$ 390,000

**NEW SECTION. Sec. 135. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund Appropriation (FY 1996) . . . . . \$ 148,000

General Fund Appropriation (FY 1997) . . . . . \$ 146,000

TOTAL APPROPRIATION . . . . . \$ 294,000

**NEW SECTION. Sec. 136. FOR THE PERSONNEL APPEALS BOARD**

Department of Personnel Service Account

Appropriation . . . . . \$ 1,593,000

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

Department of Retirement Systems Expense Account

Appropriation . . . . . \$ 30,152,000

Dependent Care Administrative Account

Appropriation . . . . . \$ 183,000

TOTAL APPROPRIATION . . . . . \$ 30,335,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$857,000 of the department of retirement systems expense account appropriation is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) \$779,000 of the department of retirement systems expense account appropriation is provided solely for the in-house design development, and

implementation of the information systems project known as the disbursement system. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(3) \$1,900,000 of the department of retirement systems expense account appropriation and the entire dependent care administrative account appropriation are provided solely for the implementation of Substitute House Bill No. 1206 (restructuring retirement systems). If the bill is not enacted by June 30, 1995, the amount provided in this subsection from the department of retirement systems expense account shall lapse, and the entire dependent care administrative account appropriation shall be transferred to the committee for deferred compensation.

**NEW SECTION. Sec. 138. FOR THE STATE INVESTMENT BOARD**  
**State Investment Board Expense Account**

Appropriation . . . . . \$ 8,068,000

The appropriation in this section is subject to the following conditions and limitations: The board shall conduct a feasibility study on the upgrade or replacement of the state-wide investment accounting system and report its findings to the fiscal committees of the legislature by January 1, 1996.

**\*NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF REVENUE**

General Fund Appropriation (FY 1996) . . . . .	\$	62,528,000
General Fund Appropriation (FY 1997) . . . . .	\$	63,139,000
Timber Tax Distribution Account		
Appropriation . . . . .	\$	4,585,000
Waste Reduction, Recycling, and Litter Control		
Account Appropriation . . . . .	\$	95,000
State Toxics Control Account		
Appropriation . . . . .	\$	67,000
Solid Waste Management Account		
Appropriation . . . . .	\$	88,000
Oil Spill Administration Account		
Appropriation . . . . .	\$	14,000
Pollution Liability Insurance Program Trust Account		
Appropriation . . . . .	\$	230,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>130,746,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,197,000 of the general fund appropriation is provided solely for senior citizen property tax deferral distribution. \$103,000 of this amount is provided solely to reimburse counties for the expansion of the senior citizen property tax deferral program enacted by Substitute House Bill No. 1673.

(2) \$280,000 of the general fund appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) The general fund appropriation contains sufficient funds for the department of revenue to collect use tax on advertising materials printed outside the state and mailed directly to Washington residents at the direction of an in-state business to promote sales of products or services, pursuant to RCW 82.12.010(5).

*(4) The general fund appropriation contains sufficient funds for the department of revenue to study the feasibility of rewriting Titles 82 and 84 RCW for clarity and ease of understanding, without making substantive changes in the law. The department may study this issue by redrafting certain sections of the existing law and reviewing with legislators, interest groups, and affected parties whether or not such a project is feasible. The department shall report the results of this study to the legislature in the 1996 legislative session.*

\*Sec. 139 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 140. FOR THE BOARD OF TAX APPEALS**

General Fund Appropriation (FY 1996) . . . . .	\$	993,000
General Fund Appropriation (FY 1997) . . . . .	\$	996,000
TOTAL APPROPRIATION . . . . .	\$	1,989,000

**NEW SECTION. Sec. 141. FOR THE MUNICIPAL RESEARCH COUNCIL**

General Fund Appropriation (FY 1996) . . . . .	\$	1,593,000
General Fund Appropriation (FY 1997) . . . . .	\$	1,637,000
TOTAL APPROPRIATION . . . . .	\$	3,230,000

**NEW SECTION. Sec. 142. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

OMWBE Enterprises Account

Appropriation . . . . .	\$	2,121,000
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**NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund—State Appropriation (FY 1996) . . . . .	\$	284,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	283,000
General Fund—Federal Appropriation . . . . .	\$	1,304,000
General Fund—Private/Local Appropriation . . . . .	\$	388,000
Motor Transport Account Appropriation . . . . .	\$	10,814,000
Industrial Insurance Premium Refund Account		
Appropriation . . . . .	\$	140,000
Air Pollution Control Account		
Appropriation . . . . .	\$	111,000
Department of General Administration Facilities and Services Revolving Account		
Appropriation . . . . .	\$	21,271,000
Central Stores Revolving Account		
Appropriation . . . . .	\$	3,056,000
Risk Management Account Appropriation . . . . .	\$	2,033,000

TOTAL APPROPRIATION . . . . . \$ 39,684,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,776 of the industrial insurance premium refund account appropriation is provided solely for the Washington school directors association.

(2) The cost of purchasing and material control operations may be recovered by the department through charging agencies utilizing these services. The department must begin directly charging agencies utilizing the services on September 1, 1995. Amounts charged may not exceed the cost of purchasing and contract administration. Funds collected may not be used for purposes other than cost recovery and must be separately accounted for within the central stores revolving fund.

**NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF INFORMATION SERVICES**

Data Processing Revolving Account

Appropriation . . . . . \$ 3,847,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall provide a toll-free telephone number and operator service staff for the general public to call for information about state agencies. The department may provide such staff, equipment, and facilities as are necessary for this purpose. The director shall adopt rules to fix terms and charges for these services. All state agencies and the legislature shall participate in the information program and shall reimburse the department of information services in accordance with rules established by the director. The department shall also provide conference calling services for state and other public agencies on a fee-for-service basis.

(2) \$364,000 of the data processing revolving account appropriation is provided solely for maintenance and support of the WIN Network. The department is authorized to recover the costs through billings to affected agencies.

**NEW SECTION. Sec. 145. FOR THE INSURANCE COMMISSIONER**

General Fund—Federal Appropriation . . . . . \$ 104,000

Insurance Commissioner’s Regulatory Account

Appropriation . . . . . \$ 20,126,000

TOTAL APPROPRIATION . . . . . \$ 20,230,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The insurance commissioner shall obtain the approval of the department of information services for any feasibility plan for proposed technology improvements.

(2) \$895,000 of the insurance commissioner's regulatory account appropriation is provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

**\*NEW SECTION. Sec. 146. FOR THE BOARD OF ACCOUNTANCY**  
**Certified Public Accountants' Account**

Appropriation . . . . . \$ 1,293,000

*The appropriation in this section is subject to the following conditions and limitations: \$50,000 of the certified public accountants' account appropriation is provided solely to conduct a study in conjunction with the higher education coordinating board of the financial impact on public and private higher education institutions of any increase in the education requirements for CPA certification. Such study shall include impacts on enrollment and access of other students to higher education. No rule to increase education requirements may be implemented until such study has been completed and reported to the higher education and fiscal committees of both houses of the legislature.*

\*Sec. 146 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 147. FOR THE DEATH INVESTIGATION COUNCIL**

Death Investigations Account Appropriation . . . . . \$ 12,000

**NEW SECTION. Sec. 148. FOR THE HORSE RACING COMMISSION**

Horse Racing Commission Account Appropriation . . . . \$ 4,733,000

The appropriation in this section is subject to the following conditions and limitations:

(1) None of this appropriation may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

(2) The commission shall conduct a complete examination of Playfair racecourse, identifying problems and offering possible solutions that are designed to resolve the continuing decline in parimutuel racing at that track.

**NEW SECTION. Sec. 149. FOR THE LIQUOR CONTROL BOARD**  
**Liquor Revolving Account Appropriation . . . . . \$ 113,461,000**

**NEW SECTION. Sec. 150. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Public Service Revolving Account—State  
 Appropriation . . . . . \$ 25,802,000

Public Service Revolving Account—Federal  
 Appropriation . . . . . \$ 200,000

TOTAL APPROPRIATION . . . . . \$ 26,002,000

**NEW SECTION. Sec. 151. FOR THE BOARD FOR VOLUNTEER FIRE FIGHTERS**

Volunteer Fire Fighters' Relief and Pension

Administrative Account Appropriation . . . . .	\$	442,000
<b>NEW SECTION. Sec. 152. FOR THE MILITARY DEPARTMENT</b>		
General Fund—State Appropriation (FY 1996) . . . . .	\$	7,474,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	7,477,000
General Fund—Federal Appropriation . . . . .	\$	28,293,000
General Fund—Private/Local Appropriation . . . . .	\$	237,000
Enhanced 911 Account Appropriation . . . . .	\$	18,541,000
Industrial Insurance Premium Refund Account		
Appropriation . . . . .	\$	34,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>62,056,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$205,238 of the total appropriation is provided solely to pay loan obligations on the energy partnership contract number 90-07-01. This obligation includes unpaid installments from September 1993 through June 1997. This amount may be reduced by any payments made in the 1993-95 Biennium on installments made in the 1993-95 Biennium on installments due between September 1993 and June 1995.

(2) \$70,000 of the general fund—state appropriation is provided solely for the north county emergency medical service.

**NEW SECTION. Sec. 153. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund Appropriation (FY 1996) . . . . .	\$	1,647,000
General Fund Appropriation (FY 1997) . . . . .	\$	1,667,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>3,314,000</b>

**NEW SECTION. Sec. 154. FOR THE GROWTH PLANNING HEARINGS BOARD**

General Fund Appropriation (FY 1996) . . . . .	\$	1,331,000
General Fund Appropriation (FY 1997) . . . . .	\$	1,334,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>2,665,000</b>

**NEW SECTION. Sec. 155. FOR THE STATE CONVENTION AND TRADE CENTER**

State Convention and Trade Center Operations		
Account Appropriation . . . . .	\$	25,606,000

**PART II  
HUMAN SERVICES**

**\*NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor



shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) *The department of social and health services is prohibited from requiring special authorization for nonmedical reasons for prescription drugs and medications for medicaid-eligible recipients.*

\*Sec. 201 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund—State Appropriation (FY 1996) . . . . .	\$	144,801,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	151,569,000
General Fund—Federal Appropriation . . . . .	\$	263,843,000
General Fund—Private/Local Appropriation . . . . .	\$	400,000
Violence Reduction and Drug Enforcement Account		
Appropriation . . . . .	\$	5,719,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>566,332,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,660,000 of the general fund—state appropriation for fiscal year 1996 and \$10,086,000 of the general fund—federal appropriation are provided solely for the modification of the case and management information system (CAMIS). Authority to expend these funds is conditioned on compliance with section 902 of this act.

(2) \$5,524,000 of the general fund—state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth). Of this amount:

(a) \$150,000 of the general fund—state appropriation is provided in fiscal year 1996 to develop a plan for children at risk. The department shall work with a variety of service providers and community representatives, including the

community public health and safety networks, and shall present the plan to the legislature and the governor by December 1, 1995. The plan shall contain a strategy for the development of an intensive treatment system with outcome-based information on the level of services that are achievable under an annual appropriation of \$5,000,000, \$7,000,000, and \$9,000,000; address the issue of chronic runaways; and determine caseload impacts.

(b) \$219,000 of the general fund—state appropriation is provided in fiscal year 1996 and \$4,678,000 of the general fund—state appropriation is provided in fiscal year 1997 for crisis residential center training and administrative duties and secure crisis residential center contracts.

(c) \$266,000 of the general fund—state appropriation is provided for the multidisciplinary teams and \$211,000 of the general fund—state appropriation is provided in fiscal year 1997 for family reconciliation services.

(d) The state may enter into agreements with the counties to provide residential and treatment services to runaway youth at a rate of reimbursement to be negotiated by the state and county.

(3) \$1,997,000 of the violence reduction and drug enforcement account appropriation and \$8,421,000 of the general fund—federal appropriation are provided solely for the operation of the family policy council, the community public health and safety networks, and delivery of services authorized under the federal family preservation and support act. Of these amounts:

(a) \$1,060,000 of the violence reduction and drug enforcement account appropriation is provided solely for distribution to the community public health and safety networks for planning in fiscal year 1996.

(b) \$937,000 of the violence reduction and drug enforcement account appropriation is provided for staff in the children and family services division of the department of social and health services to support family policy council activities. The family policy council is directed to provide training, design, technical assistance, consultation, and direct service dollars to the networks. Of this amount, \$300,000 is provided for the evaluation activities outlined in RCW 70.190.050, to be conducted exclusively by the Washington state institute for public policy. To the extent that private funds can be raised for the evaluation activities, the state funding may be retained by the department to support the family policy council activities.

(c) \$8,421,000 of the general fund—federal appropriation is provided solely for the delivery of services authorized by the federal family preservation and support act.

(4) \$2,575,000 of the general fund—state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5885 (family preservation services). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse. Of this amount:

(a) \$75,000 is provided in fiscal year 1996 to develop an implementation and evaluation plan for providing intensive family preservation services and family preservation services. The department shall present the plan to the

legislature and the governor no later than December 1, 1995. The plan shall contain outcome based information on the level of services that are achievable under an annual appropriation of \$3,000,000, \$5,000,000, and \$7,000,000; and

(b) \$2,500,000 is provided in fiscal year 1997 for additional family preservation services based upon the report.

(5) \$4,646,000 of the general fund—state is provided solely to increase payment rates to contracted social services providers. It is the legislature’s intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(6) \$2,672,000 of the general fund—state is provided solely to increase payment rates to contracted social services child care providers. It is the legislature’s intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(7) \$854,000 of the violence reduction and drug enforcement account appropriation and \$300,000 of the general fund—state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(8) \$700,000 of the general fund—state appropriation and \$262,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund—State Appropriation (FY 1996) . . . . .	\$	24,944,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	25,771,000
General Fund—Federal Appropriation . . . . .	\$	20,167,000
General Fund—Private/Local Appropriation . . . . .	\$	286,000
Violence Reduction and Drug Enforcement Account		
Appropriation . . . . .	\$	5,695,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>76,863,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$650,000 of the general fund—state appropriation for fiscal year 1996 and \$650,000 of the general fund—state appropriation for fiscal year 1997 are provided solely for operation of learning and life skills centers established pursuant to chapter 152, Laws of 1994.

(b) \$1,379,000 of the general fund—state appropriation and \$134,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature’s intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 1996) . . . . .	\$	25,701,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	29,120,000
General Fund—Federal Appropriation . . . . .	\$	23,011,000
General Fund—Private/Local Appropriation . . . . .	\$	830,000
Violence Reduction and Drug Enforcement Account		
Appropriation . . . . .	\$	10,634,000
TOTAL APPROPRIATION . . . . .	\$	89,296,000

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 1996) . . . . .	\$	1,021,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	1,024,000
General Fund—Federal Appropriation . . . . .	\$	881,000
Violence Reduction and Drug Enforcement Account		
Appropriation . . . . .	\$	421,000
TOTAL APPROPRIATION . . . . .	\$	3,347,000

(4) SPECIAL PROJECTS

General Fund—Federal Appropriation . . . . .	\$	107,000
Violence Reduction and Drug Enforcement Account		
Appropriation . . . . .	\$	1,177,000
TOTAL APPROPRIATION . . . . .	\$	1,284,000

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund—State Appropriation (FY 1996) . . . . .	\$	162,878,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	169,206,000
General Fund—Federal Appropriation . . . . .	\$	241,564,000
General Fund—Private/Local Appropriation . . . . .	\$	9,000,000
Health Services Account Appropriation . . . . .	\$	19,647,000
TOTAL APPROPRIATION . . . . .	\$	602,295,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$8,160,000 of the general fund—state appropriation and \$279,000 of the health services account appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) Regional support networks shall use portions of the general fund—state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(c) From the general fund—state appropriation in this section, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund—state cost of medicaid personal care services that are used by enrolled regional support network consumers by reason of their psychiatric disability. The secretary of social and health services shall convene representatives from the aging and adult services program, the mental health division, and the regional support networks to establish an equitable and efficient mechanism for accomplishing this reimbursement.

(d) The appropriations in this section assume that expenditures for voluntary psychiatric hospitalization total \$23,600,000 from the general fund—state appropriation and \$4,300,000 from the health services account appropriation in fiscal year 1996, and \$26,200,000 from the general fund—state appropriation and \$4,600,000 from the health services account appropriation in fiscal year 1997. To the extent that regional support networks succeed in reducing hospitalization costs below these levels, one-half of the funds saved shall be provided as bonus payments to regional support networks for delivery of additional community mental health services, and one-half shall revert to the state treasury. Actual expenditures and bonus payments shall be calculated at the end of each biennial quarter, except for the final quarter, when expenditures and bonuses shall be projected based on actual experience through the end of April 1997.

(e) \$1,000,000 of the general fund—state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth).

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 1996) . . . . .	\$	56,033,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	56,579,000
General Fund—Federal Appropriation . . . . .	\$	112,097,000
General Fund—Private/Local Appropriation . . . . .	\$	42,512,000
Industrial Insurance Premium Refund Account		
Appropriation . . . . .	\$	747,000
TOTAL APPROPRIATION . . . . .	\$	267,968,000

The appropriations in this subsection are subject to the following conditions and limitations:

**Ch. 18 WASHINGTON LAWS, 1995 2nd Sp. Sess.**

(a) The mental health program at Western state hospital shall continue to utilize labor provided by the Tacoma prerelease program of the department of corrections.

(b) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations, when it is cost-effective to do so.

**(3) CIVIL COMMITMENT**

General Fund Appropriation (FY 1996) . . . . .	\$	3,378,000
General Fund Appropriation (FY 1997) . . . . .	\$	3,378,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>6,756,000</b>

**(4) SPECIAL PROJECTS**

General Fund—Federal Appropriation . . . . .	\$	6,341,000
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**(5) PROGRAM SUPPORT**

General Fund—State Appropriation (FY 1996) . . . . .	\$	2,549,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	2,544,000
General Fund—Federal Appropriation . . . . .	\$	1,511,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>6,604,000</b>

**\*NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund—State Appropriation (FY 1996) . . . . .	\$	117,802,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	121,580,000
General Fund—Federal Appropriation . . . . .	\$	165,632,000
Health Services Account Appropriation . . . . .	\$	4,699,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>409,713,000</b>

**(2) INSTITUTIONAL SERVICES**

General Fund—State Appropriation (FY 1996) . . . . .	\$	62,357,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	62,953,000
General Fund—Federal Appropriation . . . . .	\$	139,600,000
General Fund—Private/Local Appropriation . . . . .	\$	9,100,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>274,010,000</b>

**(3) PROGRAM SUPPORT**

General Fund—State Appropriation (FY 1996) . . . . .	\$	2,837,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	2,848,000
General Fund—Federal Appropriation . . . . .	\$	777,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>6,462,000</b>

**(4) SPECIAL PROJECTS**

General Fund—Federal Appropriation . . . . .	\$	7,878,000
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(5) The appropriations in this section are subject to the following conditions and limitations:

(a) \$6,569,000 of the general fund—state appropriation and \$19,000 of the health services account appropriation and \$4,298,000 of the general fund—federal appropriation are provided solely to increase payment rates to contracted

social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) \$1,447,000 of the general fund—state appropriation is provided solely for employment or other day programs for eligible persons who complete a high school curriculum during the 1995-97 biennium:

(c) \$500,000 of the health services account appropriation is provided solely for fiscal year 1996 and \$3,500,000 of the health services account appropriation is provided solely for fiscal year 1997 for family support services for families who need but are currently unable to receive such services because of funding limitations. The fiscal year 1996 amount shall be prioritized for unserved families who have the most critical need for assistance. The fiscal year 1997 amount shall be distributed among unserved families according to priorities developed in consultation with organizations representing families of people with developmental disabilities.

*(d) The secretary of social and health services shall work with provider organizations and advocacy groups to plan and implement strategies for increasing the efficiency of community residential services funded under this section. As a result of those efforts, the average number of persons receiving out-of-home community residential care, on a full-time rather than respite basis, shall be increased by at least 50 persons during fiscal year 1996 over the June 1995 level, and by at least 100 more during fiscal year 1997. Priority for such services shall be given to persons who are residing with elderly parents or relatives. The secretary shall report on plans and progress to the appropriate fiscal and policy committees of the legislature by November 15, 1995, and November 15, 1996.*

*(e) If, at the end of any biennial quarter, either the total expenditures or the average cost per recipient for medicaid personal care services exceed allotted levels, the secretary of social and health services shall immediately take action in accordance with RCW 74.09.520 to adjust functional eligibility standards and/or service levels sufficiently to bring expenditures back within appropriated levels, except to the extent that such over-expenditures are offset by under-expenditures elsewhere within the program's general fund—state appropriation.*

(f) The secretary of social and health services shall investigate and by November 15, 1995, report to the appropriations committee of the house of representatives and the ways and means committee of the senate on the feasibility of obtaining a federal managed-care waiver under which growth which would otherwise occur in state and federal spending for the medicaid personal care and targeted case management programs is instead capitated and used to provide a flexible array of employment, day program, and in-home supports.

(g) \$1,015,000 of the program support general fund—state appropriation is provided solely for distribution among the five regional deaf centers for services for the deaf and hard of hearing.

\*Sec. 205 was partially vetoed. See message at end of chapter.

**\*NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 1996) . . . . .	\$	378,972,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	393,491,000
General Fund—Federal Appropriation . . . . .	\$	793,250,000
Health Services Account—State Appropriation . . . . .	\$	9,885,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>1,575,598,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,492,000 of the general fund—state appropriation is provided solely to increase payment rates to contracted social services providers. It is the legislature’s intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

*(2) If, at the end of any biennial quarter, either the total expenditures or the average cost per recipient for medicaid personal care services exceed allotted levels, the secretary of social and health services shall immediately take action in accordance with RCW 74.09.520 to adjust functional eligibility standards and/or service levels sufficiently to bring expenditures back within appropriated levels, except to the extent that such over-expenditures are offset by under-expenditures elsewhere within the program’s general fund—state appropriation.*

*(3) If, at the end of any biennial quarter, either the total expenditures or the average cost per recipient for the community options program entry system exceed allotted levels, the secretary of social and health services shall immediately take action to adjust functional eligibility standards, service levels, and/or the terms of the medicaid waiver sufficiently to bring expenditures back within appropriated levels, except to the extent that such over-expenditures are offset by under-expenditures elsewhere within the program’s general fund—state appropriation.*

(4) The department shall seek a federal plan amendment to increase the home maintenance needs allowance for unmarried COPES recipients only to 100 percent of the federal poverty level. No changes shall be implemented in COPES home maintenance needs allowances until the amendment has been approved.

(5) The secretary of social and health services shall transfer funds appropriated under section 207(2) of this act to this section for the purpose of integrating and streamlining programmatic and financial eligibility determination for long-term care services.



(6) A maximum of \$2,603,000 of the general fund—state appropriation and \$2,670,000 of the general fund—federal appropriation for fiscal year 1996 and \$5,339,000 of the general fund—state appropriation and \$5,380,000 of the general fund—federal appropriation for fiscal year 1997 are provided to fund the medicaid share of any prospective payment rate adjustments as may be necessary in accordance with RCW 74.46.460.

(7) The health services account appropriation is to be used solely for the enrollment of home care workers employed through state contracts in the basic health plan.

\*Sec. 206 was partially vetoed. See message at end of chapter.

**\*NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM**

**(1) GRANTS AND SERVICES TO CLIENTS**

General Fund—State Appropriation (FY 1996) . . . . .	\$	403,859,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	405,332,000
General Fund—Federal Appropriation . . . . .	\$	677,127,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>1,486,318,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) 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 \$300,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$55	71	86	102	117	133	154	170

(b) \$18,000 of the general fund—state appropriation for fiscal year 1996 and \$37,000 of the general fund—state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. It is the legislature’s intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(c) *Not more than \$7,700,000 of the general fund—state appropriation may be expended to provide cash assistance through the general assistance for pregnancy program as specified in RCW 74.04.005 as amended (Substitute House Bill No. 2083).*

**(2) PROGRAM SUPPORT**

General Fund—State Appropriation (FY 1996) . . . . .	\$	113,329,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	110,137,000
General Fund—Federal Appropriation . . . . .	\$	202,152,000
Health Services Account Appropriation . . . . .	\$	750,000

TOTAL APPROPRIATION . . . . . \$ 426,368,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$16,000 of the general fund—state appropriation for fiscal year 1996 and \$34,000 of the general fund—state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social service providers. It is the legislature’s intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) The department shall report to the fiscal committees of the legislature no later than December 20, 1995, concerning the number and dollar value of contracts for services provided as part of the job opportunities and basic skills program. This report shall indicate the criteria used in the choice of state agencies or private entities for a particular contract, the total value of contracts with state agencies, and the total value of contracts with private entities. The report shall also indicate what, if any, performance criteria are included in job opportunities and basic skills program contracts.

(c) The department shall:

(i) *Reinstate the SAVE program by September 30, 1995, and report to the fiscal committees of the house of representatives and senate by December 1, 1995, regarding the progress of implementation and outcomes by region of the program;*

(ii) Coordinate with other state agencies, including but not limited to the employment security department, to ensure that persons receiving federal or state funds are eligible in terms of citizenship and residency status;

(iii) *Post at every community service office a sign letting applicants and recipients know that illegal aliens will be reported to the United States immigration and naturalization service and that the systematic alien verification for entitlements system is in use in the office; and*

(iv) Systematically use all processes available to verify eligibility in terms of the citizenship and residency status of applicants and recipients for public assistance.

\*Sec. 207 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund—State Appropriation (FY 1996) . . . . .	\$	8,199,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	8,736,000
General Fund—Federal Appropriation . . . . .	\$	76,400,000
Violence Reduction and Drug Enforcement Account		
Appropriation . . . . .	\$	71,900,000
Health Services Account Appropriation . . . . .	\$	969,000
TOTAL APPROPRIATION . . . . .	\$	166,204,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,544,000 of the total appropriation is provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction.

(2) \$400,000 of the health services account appropriation is provided solely to implement Second Substitute Senate bill No. 5688 (fetal alcohol syndrome). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$502,000 of the general fund—state appropriation and \$435,000 of the violence reduction and drug enforcement account appropriation for fiscal year 1996 and \$1,015,000 of the general fund—state appropriation and \$1,023,000 of the violence reduction and drug enforcement account appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted and subcontract social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(4) \$552,000 of the general fund—state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth).

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 1996) . . . . .	\$	670,792,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	692,015,000
General Fund—Federal Appropriation . . . . .	\$	1,761,005,000
General Fund—Private/Local Appropriation . . . . .	\$	242,525,000
Health Services Account Appropriation . . . . .	\$	199,571,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>3,565,908,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994. The department shall also continue to provide consistent reporting on other medicaid children served through the basic health plan.

(2) The department shall contract for the services of private debt collection agencies to maximize financial recoveries from third parties where it is not cost-effective for the state to seek the recovery directly.

(3) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(4) \$3,682,000 of the general fund—state appropriation for fiscal year 1996 and \$7,844,000 of the general fund—state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted medical services providers.

(5)(a) Pursuant to RCW 74.09.700, the medically needy program shall be limited to include only the following groups: Those persons who, except for income and resources, would be eligible for the medicaid categorically needy aged, blind, or disabled programs and medically needy persons under age 21 or over age 65 in institutions for mental diseases or in intermediate care facilities for the mentally retarded. Existing departmental rules concerning income, resources, and other aspects of eligibility for the medically needy program shall continue to apply to these groups. The medically needy program will not provide coverage for caretaker relatives of medicaid-eligible children or for adults in families with dependent children who, except for income and resources, would be eligible for the medicaid categorically needy aid to families with dependent children program.

(b) Notwithstanding (a) of this subsection, the medically needy program shall provide coverage until December 31, 1995, to those persons who, except for income and resources, would be eligible for the medicaid aid to families with dependent children program. Not more than \$2,020,000 of the general fund—state appropriation may be expended for this purpose.

(6) These appropriations may not be used for any purpose related to a supplemental discount drug program or agreement created under WAC 388-91-007 and 388-91-010.

(7) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(8) \$160,000 of the general fund—state appropriation and \$160,000 of the general fund—federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(9) \$3,128,000 of the general fund—state appropriation is provided solely for treatment of low-income kidney dialysis patients.

(10) Funding is provided in this section to fund payment of insurance premiums for persons with human immunodeficiency virus who are not eligible for medicaid.

(11) Not more than \$11,410,000 of the general fund—state appropriation may be expended for the purposes of operating the medically indigent program during fiscal year 1996. Funding is provided solely for emergency transportation and acute emergency hospital services, including emergency room physician services and related inpatient hospital physician services. Funding for such services is to be provided to an eligible individual for a maximum of three months following a hospital admission and only after \$2,000 of emergency medical expenses have been incurred in any twelve-month period.

(12) Not more than \$10,000,000 of the health services account appropriation may be expended for the purposes of providing reimbursement during fiscal year 1997 to those hospitals and physicians most adversely affected by the provision of uncompensated emergency room and uncompensated inpatient hospital care. The department shall develop rules stating the conditions for and rates of compensation.

(13) \$21,525,000 of the health services account appropriation and \$21,031,000 of the general fund—federal appropriation are provided solely to increase access to dental services and to increase the use of preventative dental services for title XIX categorically eligible children.

(14) After considering administrative and cost factors, the department shall adopt measures to realize savings in the purchase of prescription drugs, hearing aids, home health services, wheelchairs and other durable medical equipment, and disposable supplies. Such measures may include, but not be limited to, point-of-sale pharmacy adjudication systems, modification of reimbursement methodologies or payment schedules, selective contracting, and inclusion of such services in managed care rates.

(15) As part of the long-term care reforms contained in Engrossed Second Substitute House Bill No. 1908, after receiving acute inpatient hospital care, eligible clients shall be transferred from the high cost institutional setting to the least restrictive, least costly, and most appropriate facility as soon as medically reasonable. Physical medicine and rehabilitation services (acute rehabilitation) shall take place in the least restrictive environment, at the least cost and in the most appropriate facility as determined by the department in coordination with appropriate health care professionals and facilities. Facilities providing physical medicine and rehabilitation services must meet the quality care certification standards required of acute rehabilitation hospitals and rehabilitation units of hospitals.

(16) The department is authorized to provide no more than five chiropractic service visits per person per year for those eligible recipients with acute conditions.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 1996) . . . . .	\$	7,741,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	7,846,000
General Fund—Federal Appropriation . . . . .	\$	73,180,000
General Fund—Private/Local Appropriation . . . . .	\$	2,904,000
TOTAL APPROPRIATION . . . . .	\$	91,671,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$39,000 of the general fund—state appropriation is provided solely to increase payment rates to contracted social services providers. It is the

legislature's intent that these funds shall be used primarily to increase compensation for persons employed in the direct delivery of service to clients.

(2) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with local organizations, including higher education institutions, mental health regional support networks, and county developmental disabilities programs to improve and expand employment opportunities for people with severe disabilities served by those local agencies.

(3) \$310,000 of the general fund—state appropriation and \$1,144,000 of the general fund—federal appropriation are provided solely for vocational rehabilitation services for individuals with developmental disabilities who complete a high school curriculum during the 1995-97 biennium.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State Appropriation (FY 1996) . . . . .	\$	25,933,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	25,934,000
General Fund—Federal Appropriation . . . . .	\$	41,503,000
General Fund—Private/Local Appropriation . . . . .	\$	270,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>93,640,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(2) \$500,000 of the general fund—state appropriation and \$300,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). The department may transfer all or a portion of these amounts to the appropriate divisions of the department for this purpose. If Engrossed Substitute House Bill No. 1010 (regulatory reform) is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILD SUPPORT PROGRAM**

General Fund—State Appropriation (FY 1996) . . . . .	\$	18,058,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	18,169,000
General Fund—Federal Appropriation . . . . .	\$	135,488,000
General Fund—Local Appropriation . . . . .	\$	33,232,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>204,947,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall contract with private collection agencies to pursue collection of AFDC child support arrearages in cases that might otherwise consume a disproportionate share of the department's collection efforts. The department's child support collection staff shall determine which cases are appropriate for referral to private collection agencies. In determining appropriate contract provisions, the department shall consult with other states that have successfully contracted with private collection agencies to the extent allowed by federal support enforcement regulations.

(2) The department shall request a waiver from federal support enforcement regulations to replace the current program audit criteria, which is process-based, with performance measures based on program outcomes.

(3) The amounts appropriated in this section for child support legal services shall only be expended by means of contracts with local prosecutor's offices.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund—State Appropriation (FY 1996) . . . . .	\$	21,112,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	20,668,000
General Fund—Federal Appropriation . . . . .	\$	16,281,000
TOTAL APPROPRIATION . . . . .	\$	58,061,000

**NEW SECTION. Sec. 214. FOR THE STATE HEALTH CARE POLICY BOARD**

General Fund—Private/Local Appropriation . . . . .	\$	110,000
Health Services Account Appropriation . . . . .	\$	4,229,000
TOTAL APPROPRIATION . . . . .	\$	4,339,000

**NEW SECTION. Sec. 215. FOR THE STATE HEALTH CARE AUTHORITY**

General Fund—State Appropriation (FY 1996) . . . . .	\$	3,403,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	3,403,000
State Health Care Authority Administrative		
Account Appropriation . . . . .	\$	15,744,000
Health Services Account Appropriation . . . . .	\$	249,642,000
TOTAL APPROPRIATION . . . . .	\$	272,192,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,806,000 of the general fund appropriation and \$5,590,000 of the health services account appropriation are provided solely for health care services provided through local community clinics.

(2) \$1,268,000 of the health care authority administrative fund appropriation is provided to accommodate additional enrollment from school districts that voluntarily choose to purchase employee benefits through public employee benefits board programs. The office of financial management is directed to monitor K-12 enrollment in PEBB plans and to reduce allotments proportionally

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if the number of K-12 active employees enrolled after January 1995 is less than 11,837.

**NEW SECTION. Sec. 216. FOR THE HUMAN RIGHTS COMMISSION**

General Fund—State Appropriation (FY 1996) . . . . .	\$	1,905,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	1,912,000
General Fund—Federal Appropriation . . . . .	\$	1,344,000
General Fund—Private/Local Appropriation . . . . .	\$	402,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>5,563,000</b>

**NEW SECTION. Sec. 217. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right-to-Know Account		
Appropriation . . . . .	\$	20,000
Accident Account Appropriation . . . . .	\$	9,806,000
Medical Aid Account Appropriation . . . . .	\$	9,807,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>19,633,000</b>

**NEW SECTION. Sec. 218. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Death Investigations Account Appropriation . . . . .	\$	38,000
Public Safety and Education Account		
Appropriation . . . . .	\$	10,654,000
Violence Reduction and Drug Enforcement Account		
Appropriation . . . . .	\$	344,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>11,036,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$28,000 of the public safety and education account is provided solely to implement Engrossed Second Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

**\*NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation (FY 1996) . . . . .	\$	5,270,000
General Fund Appropriation (FY 1997) . . . . .	\$	5,311,000
Public Safety and Education Account—State		
Appropriation . . . . .	\$	19,547,000
Public Safety and Education Account—Federal		
Appropriation . . . . .	\$	6,002,000
Public Safety and Education Account—Private/Local		
Appropriation . . . . .	\$	972,000
Electrical License Account Appropriation . . . . .	\$	19,321,000
Farm Labor Revolving Account—Private/Local		
Appropriation . . . . .	\$	28,000



Worker and Community Right-to-Know Account	
Appropriation . . . . .	\$ 2,138,000
Public Works Administration Account	
Appropriation . . . . .	\$ 1,928,000
Accident Account—State Appropriation . . . . .	\$ 137,909,000
Accident Account—Federal Appropriation . . . . .	\$ 9,112,000
Medical Aid Account—State Appropriation . . . . .	\$ 148,204,000
Medical Aid Account—Federal Appropriation . . . . .	\$ 1,592,000
Plumbing Certificate Account Appropriation . . . . .	\$ 682,000
Pressure Systems Safety Account Appropriation . . . . .	\$ 2,053,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$ 360,069,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of funds appropriated in this section for the information systems projects identified in agency budget requests as "crime victims—prime migration" and "document imaging—field offices" are conditioned upon compliance with section 902 of this act. In addition, funds for the "document imaging—field offices" project shall not be released until the required components of a feasibility study are completed and approved by the department of information services.

(2) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) Institute copayments for services; (b) develop preferred provider and managed care contracts; and (c) coordinate with the department of social and health services to use public safety and education account funds as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims.

(3) \$108,000 of the general fund appropriation is provided solely for an interagency agreement to reimburse the board of industrial insurance appeals for crime victims appeals.

(4) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

*(5) By November 1, 1995, the director of labor and industries shall report to the appropriate policy and fiscal committees of the legislature with a plan for establishing within existing resources a designated claims unit to specialize in claims by state employees.*

*(6)(a) The appropriations in this section may not be used to implement or enforce rules that are not in compliance with the regulatory fairness act, under chapter 19.85 RCW.*

(b) The appropriations in this section may not be used to implement or enforce rules that the joint administrative rules review committee finds are not within the intent of the legislature as expressed by the statute that the rule implements.

(7) \$450,000 of the accident account—state appropriation and \$450,000 of the medical aid account—state appropriation are provided solely to implement an on-line claims data access system that will include all employers in the retrospective rating plan program.

(8) Within the appropriations provided in this section, the department shall implement an integrated state-wide on-line verification system for pharmacy providers. The system shall be implemented by means of contracts that are competitively bid. Until this system is implemented, no department rules may take effect that reduce the dispensing fee for industrial insurance pharmacy services in effect on January 1, 1995.

\*Sec. 219 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 220. FOR THE INDETERMINATE SENTENCE REVIEW BOARD**

General Fund Appropriation (FY 1996) . . . . .	\$	1,199,000
General Fund Appropriation (FY 1997) . . . . .	\$	1,086,000
TOTAL APPROPRIATION . . . . .	\$	2,285,000

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) HEADQUARTERS

General Fund Appropriation (FY 1996) . . . . .	\$	1,227,000
General Fund Appropriation (FY 1997) . . . . .	\$	1,226,000
Industrial Insurance Refund Account		
Appropriation . . . . .	\$	25,000
Charitable, Educational, Penal, and Reformatory		
Institutions Account Appropriation . . . . .	\$	4,000
TOTAL APPROPRIATION . . . . .	\$	2,482,000

(2) FIELD SERVICES

General Fund—State Appropriation (FY 1996) . . . . .	\$	1,853,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	1,852,000
General Fund—Federal Appropriation . . . . .	\$	736,000
General Fund—Private/Local Appropriation . . . . .	\$	85,000
TOTAL APPROPRIATION . . . . .	\$	4,526,000

(3) VETERANS HOME

General Fund—State Appropriation (FY 1996) . . . . .	\$	4,127,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	3,984,000
General Fund—Federal Appropriation . . . . .	\$	10,703,000
General Fund—Private/Local Appropriation . . . . .	\$	7,527,000
TOTAL APPROPRIATION . . . . .	\$	26,341,000

(4) SOLDIERS HOME

General Fund—State Appropriation (FY 1996) . . . . .	\$	3,135,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	3,049,000
General Fund—Federal Appropriation . . . . .	\$	6,158,000
General Fund—Private/Local Appropriation . . . . .	\$	4,667,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>17,009,000</b>

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF HEALTH**

General Fund—State Appropriation (FY 1996) . . . . .	\$	44,314,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	44,313,000
General Fund—Federal Appropriation . . . . .	\$	233,122,000
General Fund—Private/Local Appropriation . . . . .	\$	25,476,000
Hospital Commission Account Appropriation . . . . .	\$	3,019,000
Medical Disciplinary Account Appropriation . . . . .	\$	1,798,000
Health Professions Account Appropriation . . . . .	\$	32,592,000
Safe Drinking Water Account Appropriation . . . . .	\$	2,751,000
Public Health Services Account Appropriation . . . . .	\$	23,753,000
Waterworks Operator Certification Appropriation . . . . .	\$	605,000
Water Quality Account Appropriation . . . . .	\$	3,079,000
State Toxics Control Account Appropriation . . . . .	\$	2,824,000
Violence Reduction and Drug Enforcement Account Appropriation . . . . .	\$	469,000
Medical Test Site Licensure Account Appropriation . . . . .	\$	1,822,000
Youth Tobacco Prevention Account Appropriation . . . . .	\$	1,412,000
Health Services Account Appropriation . . . . .	\$	16,516,000
State and Local Improvements Revolving Account—Water Supply Facilities Appropriation . . . . .	\$	40,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>437,905,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,466,000 of the general fund—state appropriation is provided for the implementation of the Puget Sound water quality management plan.
- (2) \$10,000,000 of the public health services account appropriation is provided solely for distribution to local health departments for distribution on a per capita basis. Prior to distributing these funds, the department shall adopt rules and procedures to ensure that these funds are not used to replace current local support for public health programs.
- (3) \$4,750,000 of the public health account appropriation is provided solely for distribution to local health departments for capacity building and community assessment and mobilization.

(4) \$2,000,000 of the health services account appropriation is provided solely for public health information systems development. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(5) \$1,000,000 of the health services account appropriation is provided solely for state level capacity building.

(6) \$1,000,000 of the health services account appropriation is provided solely for training of public health professionals.

(7) \$200,000 of the health services account appropriation is provided solely for the American Indian health plan.

(8) \$1,640,000 of the health services account appropriation is provided solely for health care quality assurance and health care data standards activities as required by Engrossed Substitute House Bill No. 1589 (health care quality assurance).

(9) \$1,000,000 of the health services account appropriation is provided solely for development of a youth suicide prevention program at the state level, including a state-wide public educational campaign to increase knowledge of suicide risk and ability to respond and provision of twenty-four hour crisis hotlines, staffed to provide suicidal youth and caregivers a source of instant help.

(10) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(11) \$981,000 of the general fund—state appropriation and \$3,873,000 of the general fund—private/local appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(12) The department is authorized to raise existing fees for nursing assistants and hypnotherapists in excess of the fiscal growth factor established by Initiative 601, if necessary, in order to meet the actual costs of investigative and legal services due to disciplinary activities.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF CORRECTIONS**

**(1) ADMINISTRATION AND PROGRAM SUPPORT**

General Fund Appropriation (FY 1996) . . . . .	\$	12,269,000
General Fund Appropriation (FY 1997) . . . . .	\$	12,047,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>24,316,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$211,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5088 (sexually violent predators). If the bill is not enacted by June 30, 1995, the amount provided in this subsection (a) shall lapse.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) Appropriations in this section provide sufficient funds to implement the provisions of Second Engrossed Second Substitute House Bill 2010 (corrections cost-efficiency and inmate responsibility omnibus act).

(e) In treating sex offenders at the Twin Rivers corrections center, the department of corrections shall prioritize treatment services to reduce recidivism and shall develop and implement an evaluation tool that: (i) States the purpose of the treatment; (ii) measures the amount of treatment provided; (iii) identifies the measure of success; and (iv) determines the level of successful and unsuccessful outcomes. The department shall report to the legislature by December 1, 1995, on how treatment services were prioritized among categories of offenses and provide a description of the evaluation tool and its incorporation into the treatment program.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 1996) . . . . .	\$	265,008,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	270,221,000
General Fund—Federal Appropriation . . . . .	\$	2,000,000
Violence Reduction and Drug Enforcement Account		
Appropriation . . . . .	\$	1,214,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>538,443,000</b>

(3) COMMUNITY CORRECTIONS

General Fund Appropriation (FY 1996) . . . . .	\$	80,068,000
General Fund Appropriation (FY 1997) . . . . .	\$	81,226,000
Violence Reduction and Drug Enforcement Account		
Appropriation . . . . .	\$	400,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>161,694,000</b>

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation (FY 1996) . . . . .	\$	3,330,000
General Fund Appropriation (FY 1997) . . . . .	\$	3,503,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>6,833,000</b>

(5) INTERAGENCY PAYMENTS

General Fund Appropriation (FY 1996) . . . . .	\$	6,223,000
General Fund Appropriation (FY 1997) . . . . .	\$	6,223,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>12,446,000</b>

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund—State Appropriation (FY 1996) . . . . .	\$	1,466,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	1,123,000
General Fund—Federal Appropriation . . . . .	\$	9,683,000
General Fund—Private/Local Appropriation . . . . .	\$	80,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>12,352,000</b>

**NEW SECTION. Sec. 225. FOR THE SENTENCING GUIDELINES COMMISSION**

General Fund Appropriation (FY 1996) . . . . .	\$	517,000
General Fund Appropriation (FY 1997) . . . . .	\$	469,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>986,000</b>

**NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund—State Appropriation (FY 1996) . . . . .	\$	334,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	334,000
General Fund—Federal Appropriation . . . . .	\$	190,936,000
General Fund—Private/Local Appropriation . . . . .	\$	21,965,000
Unemployment Compensation Administration		
Account—Federal Appropriation . . . . .	\$	177,891,000
Administrative Contingency Account—Federal		
Appropriation . . . . .	\$	8,146,000
Employment Services Administrative Account—		
Federal Appropriation . . . . .	\$	12,294,000
Employment and Training Trust Account		
Appropriation . . . . .	\$	9,294,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>421,194,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The employment security department shall spend no more than \$25,049,511 of the unemployment compensation administration account—federal appropriation for the general unemployment insurance development effort (GUIDE) project. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) The employment and training trust account appropriation shall not be expended until a plan for such expenditure is reviewed and approved by the workforce training and education coordinating board for consistency with chapter 226, Laws of 1993 (employment and training for unemployed workers), and the comprehensive plan for workforce training provided in RCW 28C.18.060(4).

(3) \$95,000 of the employment services administrative account—federal appropriation is provided solely for a study of the financing provisions of the state’s unemployment insurance law pursuant to Engrossed Senate Bill No. 5925.

**PART III  
NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE**

General Fund—State Appropriation (FY 1996) . . . . .	\$	508,000
General Fund—Federal Appropriation . . . . .	\$	8,896,000
General Fund—Private/Local Appropriation . . . . .	\$	3,417,000
Geothermal Account Appropriation . . . . .	\$	21,000
Industrial Insurance Premium Refund		
Appropriation . . . . .	\$	2,000
Building Code Council Account Appropriation . . . . .	\$	10,000
Air Pollution Control Account Appropriation . . . . .	\$	3,138,000
Energy Efficiency Services Account		
Appropriation . . . . .	\$	493,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>16,485,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund—state appropriation is provided solely for the public policy institute, in consultation with the office of financial management and the state energy office, to review options regarding the distribution of energy-related functions to other entities and develop an implementation plan for the closure of the state energy office. The plan shall include but not be limited to: (1) The feasibility of providing energy-related services through a nonprofit organization or organizations; (2) recommendations for the distribution of energy-related functions to other entities; (3) corresponding recommendations regarding statutory changes necessary to distribute functions and implement the plan; and (4) a time schedule for eliminating functions or transferring functions to other entities. The public policy institute shall submit the plan to the appropriate committees of the house of representatives and the senate by November 1, 1995. It is the intent of the legislature that the state continue to receive oil overcharge restitution funds for the citizens of the state and that every effort be made to maximize federal funds available for energy conservation purposes. To this end, the state energy office or its successor organizations may enter into contracts with appropriate entities to carry out energy conservation programs.

**NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund—State Appropriation (FY 1996) . . . . .	\$	287,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	290,000
General Fund—Private/Local Appropriation . . . . .	\$	524,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>1,101,000</b>

The appropriations in this section are subject to the following conditions and limitations: State agencies shall provide to the commission, without charge, all available data and information necessary to complete its review of the Columbia River Gorge management plan.

**\*NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**

General Fund—State Appropriation (FY 1996) . . . . .	\$	22,125,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	20,639,000
General Fund—Federal Appropriation . . . . .	\$	42,131,000
General Fund—Private/Local Appropriation . . . . .	\$	1,385,000
Special Grass Seed Burning Research Account		
Appropriation . . . . .	\$	42,000
Reclamation Revolving Account Appropriation . . . . .	\$	2,664,000
Flood Control Assistance Account Appropriation . . . . .	\$	4,000,000
State Emergency Water Projects Revolving Account		
Appropriation . . . . .	\$	312,000
Waste Reduction, Recycling, and Litter Control		
Account Appropriation . . . . .	\$	5,461,000
State and Local Improvements Revolving Account—		
Waste Disposal Appropriation . . . . .	\$	1,000,000
State and Local Improvements Revolving Account—		
Water Supply Facilities Appropriation . . . . .	\$	1,344,000
Basic Data Account Appropriation . . . . .	\$	182,000
Vehicle Tire Recycling Account Appropriation . . . . .	\$	3,283,000
Water Quality Account Appropriation . . . . .	\$	3,420,000
Worker and Community Right to Know Account		
Appropriation . . . . .	\$	408,000
State Toxics Control Account Appropriation . . . . .	\$	49,924,000
Local Toxics Control Account Appropriation . . . . .	\$	3,342,000
Water Quality Permit Account Appropriation . . . . .	\$	19,600,000
Underground Storage Tank Account		
Appropriation . . . . .	\$	2,336,000
Solid Waste Management Account Appropriation . . . . .	\$	3,631,000
Hazardous Waste Assistance Account		
Appropriation . . . . .	\$	3,476,000
Air Pollution Control Account Appropriation . . . . .	\$	13,458,000
Oil Spill Administration Account Appropriation . . . . .	\$	2,939,000
Water Right Permit Processing Account		
Appropriation . . . . .	\$	500,000



Wood Stove Education Account Appropriation . . . . .	\$	1,251,000
Air Operating Permit Account Appropriation . . . . .	\$	4,548,000
Freshwater Aquatic Weeds Account Appropriation . . . . .	\$	1,187,000
Oil Spill Response Account Appropriation . . . . .	\$	7,060,000
Metals Mining Account Appropriation . . . . .	\$	300,000
Water Pollution Control Revolving Account—State Appropriation . . . . .	\$	165,000
Water Pollution Control Revolving Account—Federal Appropriation . . . . .	\$	1,019,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>223,132,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,324,000 of the general fund—state appropriation is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$394,000 of the general fund—federal appropriation, \$819,000 of the state toxics control account appropriation, \$3,591,000 of the water quality permit fee account appropriation, \$883,000 of the water quality account appropriation, and \$2,715,000 of the oil spill administration account appropriation may be used for the implementation of the Puget Sound water quality management plan.

***(2) \$200,000 of the general fund—state appropriation is provided solely for implementing Substitute House Bill No. 1327 or substantially similar legislation (water rights claims filing). If the bill or substantially similar legislation is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.***

(3) \$150,000 of the state toxics control account appropriation and \$150,000 of the local toxics control account appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1810 (hazardous substance cleanup). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$581,000 of the general fund—state appropriation, \$170,000 of the air operating permit account appropriation, \$80,000 of the water quality permit account appropriation, and \$63,000 of the state toxics control account appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(5) \$2,000,000 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(6) \$250,000 of the flood control assistance account is provided solely for a grant or contract to the lead local entity for technical analysis and coordination with the Army Corps of Engineers and local agencies to address the breach in the south jetty at the entrance of Grays Harbor.

(7) \$70,000 of the general fund—state appropriation, \$90,000 of the state toxics control account appropriation, and \$55,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1724 (growth management). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(8) If Engrossed Substitute House Bill No. 1125 (dam safety inspections), or substantially similar legislation, is not enacted by June 30, 1995, then the department shall not expend any funds appropriated in this section for any regulatory activity authorized under RCW 90.03.350 with respect to hydroelectric facilities which require a license under the federal power act, 16 U.S.C.S. Sec. 791a et seq. If Engrossed Substitute House Bill No. 1125, or substantially similar legislation, is enacted by June 30, 1995, then the department may apply all available funds appropriated under this section for regulatory activity authorized under RCW 90.03.350 for the purposes of inspecting and regulating the safety of dams under the exclusive jurisdiction of the state.

(9) \$425,000 of the general fund—state appropriation and \$525,000 of the general fund—federal appropriation are provided solely for the Padilla Bay national estuarine research reserve and interpretive center.

*(10) \$500,000 of the water right permit processing account appropriation and \$1,854,000 of the general fund—state appropriation are provided solely for continuing the department's participation in the Yakima adjudicative process.*

(11) The water right permit processing account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used solely for water right permit processing, regional water planning, and implementation of regional water plans.

(12) \$1,298,000 of the general fund—state appropriation, \$188,000 of the general fund—federal appropriation, and \$883,000 of the water quality account appropriation are provided solely to coordinate and implement the activities required by the Puget Sound water quality management plan and to perform the powers and duties under chapter 90.70 RCW.

\*Sec. 303 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund—State Appropriation (FY 1996) . . . . .	\$	18,020,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	17,877,000
General Fund—Federal Appropriation . . . . .	\$	1,930,000
General Fund—Private/Local Appropriation . . . . .	\$	1,463,000
Winter Recreation Program Account		
Appropriation . . . . .	\$	725,000
Off Road Vehicle Account Appropriation . . . . .	\$	241,000

Snowmobile Account Appropriation . . . . .	\$ .	2,174,000
Aquatic Lands Enhancement Account		
Appropriation . . . . .	\$	313,000
Public Safety and Education Account		
Appropriation . . . . .	\$	48,000
Industrial Insurance Premium Refund Account		
Appropriation . . . . .	\$	10,000
Waste Reduction, Recycling, and Litter Control		
Account Appropriation . . . . .	\$	34,000
Water Trail Program Account Appropriation . . . . .	\$	26,000
Parks Renewal and Stewardship Account		
Appropriation . . . . .	\$	22,461,000
TOTAL APPROPRIATION . . . . .	\$	65,322,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely to implement the Puget Sound water quality plan.

(2) The general fund—state appropriation and the parks renewal and stewardship account appropriation are provided to maintain full funding and continued operation of all state parks and state parks facilities.

(3) \$1,800,000 of the general fund—state appropriation is provided solely for the Washington conservation corps program established under chapter 43.220 RCW.

(4) \$3,591,000 of the parks renewal and stewardship account appropriation is provided for operation of a centralized reservation system.

(5) \$100,000 of the general fund—state appropriation is provided solely for a state match to local funds to prepare a master plan for Mt. Spokane state park.

**NEW SECTION. Sec. 305. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Firearms Range Account Appropriation . . . . .	\$	108,000
Recreation Resources Account—State		
Appropriation . . . . .	\$	2,387,000
Recreation Resources Account—Federal		
Appropriation . . . . .	\$	200,000
NOVA Appropriation . . . . .	\$	524,000
TOTAL APPROPRIATION . . . . .	\$	3,219,000

The appropriations in this section are subject to the following conditions and limitations: \$338,000 of the recreation resources account—state appropriation, \$150,000 of the recreation resources account—federal appropriation, and \$82,000 of the firearms range account appropriation are provided solely for the development and implementation of a grant tracking and management system.

**NEW SECTION. Sec. 306. FOR THE ENVIRONMENTAL HEARINGS OFFICE**

**Ch. 18 WASHINGTON LAWS, 1995 2nd Sp. Sess.**

General Fund Appropriation (FY 1996) . . . . .	\$	715,000
General Fund Appropriation (FY 1997) . . . . .	\$	713,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>1,428,000</b>

**NEW SECTION. Sec. 307. FOR THE CONSERVATION COMMISSION**

General Fund Appropriation (FY 1996) . . . . .	\$	852,000
General Fund Appropriation (FY 1997) . . . . .	\$	810,000
Water Quality Account Appropriation . . . . .	\$	202,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>1,864,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

(2) \$362,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan. In addition, \$130,000 of the water quality account appropriation is provided for the implementation of the Puget Sound water quality management plan.

(3) \$42,000 of the general fund appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5616 (watershed restoration projects). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$750,000 of the general fund appropriation is provided solely for grants to local conservation districts.

**\*NEW SECTION. Sec. 308. FOR THE OFFICE OF MARINE SAFETY State Toxics Control Account**

<i>Appropriation . . . . .</i>	<i>\$</i>	<i>276,000</i>
<b>Oil Spill Administrative Account</b>		
<i>Appropriation . . . . .</i>	<i>\$</i>	<i>3,506,000</i>
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>3,782,000</b>

*The appropriations in this section are subject to the following conditions and limitations: \$170,000 of the oil spill administration account appropriation is provided solely for a contract with the University of Washington's SeaGrant program in order to develop an education program that targets small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas. This funding is available for the implementation of the Puget Sound water quality management plan by the University of Washington.*

\*Sec. 308 was vetoed. See message at end of chapter.

**\*NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund—State Appropriation (FY 1996) . . . . .	\$	32,380,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	32,339,000
General Fund—Federal Appropriation . . . . .	\$	54,098,000

General Fund—Private/Local Appropriation . . . . .	\$	15,986,000
Off Road Vehicle Account Appropriation . . . . .	\$	476,000
Aquatic Lands Enhancement Account		
Appropriation . . . . .	\$	5,412,000
Public Safety and Education Account		
Appropriation . . . . .	\$	590,000
Industrial Insurance Premium Refund Account		
Appropriation . . . . .	\$	156,000
Recreational Fisheries Enhancement Account		
Appropriation . . . . .	\$	2,200,000
Wildlife Account Appropriation . . . . .	\$	49,741,000
Special Wildlife Account Appropriation . . . . .	\$	1,884,000
Oil Spill Administration Account		
Appropriation . . . . .	\$	831,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>196,093,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,532,000 of the general fund—state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$250,000 of the general fund—state appropriation is provided solely for attorney general costs 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 (*United States v. Washington*, subproceeding 89-3). The attorney general costs shall be paid as an interagency reimbursement.

*(3) \$500,000 of the general fund—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5632 (flood damage reduction). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.*

(4) \$350,000 of the wildlife account appropriation is provided solely for control and eradication of class B designate weeds on department owned and managed lands.

(5) \$250,000 of the general fund—state appropriation is provided solely for costs associated with warm water fish production. Expenditure of this amount shall be consistent with the goals established under RCW 77.12.710 for development of a warm water fish program. No portion of this amount may be expended for any type of feasibility study.

(6) \$634,000 of the general fund—state appropriation and \$50,000 of the wildlife account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(7) \$2,000,000 of the general fund—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5157 (mass marking), chapter 372, Laws of 1995, under the following conditions:

(a) If, by October 1, 1995, the state reaches agreement with Canada on a marking and detection program, implementation will begin with the 1994 Puget Sound brood coho.

(b) If, by October 1, 1995, the state does not reach agreement with Canada on a marking and detection program, a pilot project shall be conducted with 1994 Puget Sound brood coho.

(c) Full implementation will begin with the 1995 brood coho.

(d) \$700,000 of the department's equipment funding and \$300,000 of the department's administration funding will be redirected toward implementation of Second Substitute Senate Bill No. 5157 during the 1995-97 biennium.

(8) The department shall request a reclassification study be conducted by the personnel resources board for hatchery staff. Any implementation of the study, if approved by the board, shall be pursuant to section 911 of this act.

(9) Within the appropriations in this section, the department shall maintain the Issaquah hatchery at the current 1993-95 operational level.

(10) \$140,000 of the wildlife account appropriation is provided solely for a cooperative effort with the department of agriculture for research and eradication of purple loosestrife on state lands.

(11) \$110,000 of the aquatic lands enhancement account appropriation may be used for publishing a brochure concerning hydraulic permit application requirements for the control of spartina and purple loosestrife.

\*Sec. 309 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund—State Appropriation (FY 1996) . . . . .	\$	20,300,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	20,299,000
General Fund—Federal Appropriation . . . . .	\$	3,024,000
General Fund—Private/Local Appropriation . . . . .	\$	414,000
Forest Development Account Appropriation . . . . .	\$	37,946,000
Off Road Vehicle Account Appropriation . . . . .	\$	3,074,000
Surveys and Maps Account Appropriation . . . . .	\$	1,788,000
Aquatic Lands Enhancement Account Appropriation . .	\$	2,512,000
Resource Management Cost Account Appropriation . . .	\$	11,624,000
Waste Reduction, Recycling, and Litter Control		
Account Appropriation . . . . .	\$	440,000
Surface Mining Reclamation Account		
Appropriation . . . . .	\$	1,273,000
Wildlife Account Appropriation . . . . .	\$	1,300,000
Water Quality Account Appropriation . . . . .	\$	2,000,000
Aquatic Land Dredged Material Disposal Site		
Account Appropriation . . . . .	\$	734,000
Natural Resources Conservation Areas Stewardship		
Account Appropriation . . . . .	\$	1,003,000
Air Pollution Control Account Appropriation . . . . .	\$	921,000

Watershed Restoration Account Appropriation . . . . .	\$	5,000,000
Metals Mining Account Appropriation . . . . .	\$	41,000
TOTAL APPROPRIATION . . . . .	\$	113,693,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,998,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$36,000 of the general fund—state appropriations is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$957,000 of the aquatics lands enhancement account is provided for the implementation of the Puget Sound water quality management plan.

(3) \$450,000 of the resource management cost account appropriation is provided solely for the control and eradication of class B designate weeds on state lands.

(4) \$22,000 of the general fund—state appropriation is provided solely to implement Substitute House Bill No. 1437 (amateur radio repeater sites). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(5) \$49,000 of the air pollution control account appropriation is provided solely to implement Substitute House Bill No. 1287 (silvicultural burning). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(6) \$290,000 of the general fund—state appropriation, \$10,000 of the surface mining reclamation account appropriation, and \$29,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If this bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(7) By September 30, 1995, the agency shall report to the appropriate fiscal committees of the legislature on fire suppression costs incurred during the 1993-95 biennium. The report shall provide the following information: (a) An object breakdown of costs for the 1993-95 fire suppression subprogram; (b) the amount of reimbursement provided for personnel, services, and equipment outside the agency; (c) FTE levels and salary amounts by fund of positions backfilled as a result of the fires; (d) overtime costs paid to agency personnel; (e) equipment replacement costs, and (f) final allocation of costs for the Hatchery and Tyece fires between the United States forest service, local governments, and the state.

(8) By December 1, 1995, the department shall report to the house committee on natural resources and the senate committee on natural resources on measures taken to improve the health of the Loomis state forest.

(9) \$13,000 of the general fund—state appropriation is provided solely to pay a portion of the rent charged to nonprofit television reception improvement districts pursuant to chapter 294, Laws of 1994.

(10) \$1,200,000 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.

(11) Up to \$572,000 of the general fund—state appropriation may be expended for the natural heritage program.

(12) \$13,000,000, of which \$5,000,000 is from the watershed restoration account appropriation, \$1,300,000 is from the wildlife account appropriation, \$2,500,000 is from the resource management cost account appropriation, \$500,000 is from the forest development account appropriation, \$2,000,000 is from the water quality account appropriation, and \$1,700,000 is from the general fund—federal appropriation, is provided solely for the jobs in the environment program and/or the watershed restoration partnership program.

(a) These funds shall be used to:

(i) Restore and protect watersheds in accordance with priorities established to benefit fish stocks in critical or depressed condition as determined by the watershed coordinating council;

(ii) Conduct watershed restoration and protection projects primarily on state lands in coordination with federal, local, tribal, and private sector efforts; and

(iii) Create market wage jobs in environmental restoration for displaced natural resource impact area workers, as defined under Second Substitute Senate Bill No. 5342 (rural natural resource impact areas).

(b) Except as provided in subsection (c) of this section, these amounts are solely for projects jointly selected by the department of natural resources and the department of fish and wildlife. Funds may be expended for planning, design, and engineering for projects that restore and protect priority watersheds identified by the watershed coordinating council and conform to priorities for fish stock recovery developed through watershed analysis conducted by the department of natural resources and the department of fish and wildlife. Funds expended shall be used for specific projects and not for on-going operational costs. Eligible projects include, but are not limited to, closure or improvement of forest roads, repair of culverts, clean-up of stream beds, removal of fish barriers, installation of fish screens, fencing of streams, and construction and planting of fish cover.

(c) The department of natural resources and the department of fish and wildlife, in consultation with the watershed coordinating council, the office of financial management, and other appropriate agencies, shall report to the appropriate committees of the legislature on January 1, 1996, and annually thereafter, on any expenditures made from these amounts and a plan for future use of the moneys provided in this subsection. The plan shall include a prioritized list of watersheds and future watershed projects. The plan shall also consider future funding needs, the availability of federal funding, and the integration and coordination of existing watershed and protection programs.

(d) All projects shall be consistent with any development regulations or comprehensive plans adopted under the growth management act for the project areas. No funds shall be expended to acquire land through condemnation.



(e) Funds from the wildlife account appropriation shall be available only to the extent that the department of fish and wildlife sells surplus property.

(f) Funds from the resource management cost account appropriation shall only be used for projects on trust lands. Funds from the forest development account shall only be used for projects on county forest board lands.

(g) Projects under contract as of June 1, 1995 will be given first priority.

**\*NEW SECTION. Sec. 311. RESOURCE MANAGEMENT.** There is hereby appropriated from the resource management cost account for the operations of the department of natural resources, *subject to the requirement that the department of natural resources shall not expend any moneys from any source to implement any habitat conservation plan or other agreement or commitment intended to induce the issuance of a permit from the federal government that affects more than ten thousand acres of public and/or state forest land for five or more years without a specific appropriation for that purpose and prior report to the legislative committees on natural resources as provided in this section*, seventy-one million dollars for the biennium ending June 30, 1997.

(1) The department of natural resources shall report to the standing committees on natural resources of the legislature before entering into any agreement or making any commitment intended to induce the issuance of a permit from the federal government which, individually or together with any other agreement or commitment, affects more than ten thousand acres of public and/or state forest land for five or more years. Agreements and commitments to which this section applies include but are not limited to conservation plans and incidental take permits under 16 U.S.C. sec. 1539, and all other agreements, management plans, and "no-take" or similar letters relating to the federal endangered species act. The department shall provide the standing committees with copies of all proposed plans, agreements, and commitments, together with an analysis demonstrating that the proposed agreement or commitment is in the best interests of the trust beneficiaries.

(2) The department shall submit the following with each biennial budget request:

(a) An analysis of the impacts of any agreement or contract on state lands;  
(b) Detailed funding requirements to implement the agreement or contract in the next biennium; and

(c) An accounting of expenditures during the current biennium with respect to any agreement or contract.

(3) The legislature shall review the department's funding request and funds appropriated shall be separate budget items. The legislature shall ensure that the appropriations made to implement any agreements or contracts are in conformity with Article 8, section 4 of the state Constitution and chapter 43.88 RCW.

\*Sec. 311 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund—State Appropriation (FY 1996) . . . . .	\$	6,770,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	6,572,000
General Fund—Federal Appropriation . . . . .	\$	4,278,000
General Fund—Private/Local Appropriation . . . . .	\$	406,000
Aquatic Lands Enhancement Account		
Appropriation . . . . .	\$	800,000
Industrial Insurance Premium Refund Account		
Appropriation . . . . .	\$	178,000
State Toxics Control Account Appropriation . . . . .	\$	1,088,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>20,092,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund—state appropriation is provided solely for consumer protection activities of the department’s weights and measures program. Moneys provided in this subsection may not be used for device inspection of the weights and measures program.

(2) \$142,000 of the general fund—state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$100,000 of the general fund—state appropriation is provided solely for grasshopper and mormon cricket control.

(4) \$200,000 of the general fund—state appropriation is provided solely for the agricultural showcase.

**NEW SECTION. Sec. 313. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM**

**Pollution Liability Insurance Program Trust**

Account Appropriation . . . . .	\$	966,000
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The appropriation in this section is subject to the following conditions and limitations: \$60,000 of the pollution liability insurance program trust account appropriation is provided solely to conduct a study of privatization of the functions performed by the pollution liability insurance program. The study will be conducted by the pollution liability insurance program management. Results of the study shall be reported to the financial institutions and housing committees of the legislature by November 30, 1995.

**PART IV  
TRANSPORTATION**

**NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING**

General Fund Appropriation (FY 1996) . . . . .	\$	4,229,000
General Fund Appropriation (FY 1997) . . . . .	\$	4,257,000
Architects' License Account Appropriation . . . . .	\$	872,000
Cemetery Account Appropriation . . . . .	\$	167,000
Professional Engineers' Account Appropriation . . . . .	\$	2,235,000
Real Estate Commission Account Appropriation . . . . .	\$	6,172,000
Master License Account Appropriation . . . . .	\$	5,800,000
Uniform Commercial Code Account Appropriation . . . . .	\$	4,929,000
Real Estate Education Account Appropriation . . . . .	\$	606,000
Funeral Directors and Embalmers Account Appropriation . . . . .	\$	400,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>29,667,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$637,000 of the general fund appropriation is provided solely to implement sections 1001 through 1007 of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 402. FOR THE STATE PATROL**

General Fund—State Appropriation (FY 1996) . . . . .	\$	7,198,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	7,883,000
General Fund—Federal Appropriation . . . . .	\$	1,035,000
General Fund—Private/Local Appropriation . . . . .	\$	254,000
Public Safety and Education Account Appropriation . . . . .	\$	4,492,000
County Criminal Justice Assistance Appropriation . . . . .	\$	3,572,000
Municipal Criminal Justice Assistance Account Appropriation . . . . .	\$	1,430,000
Fire Services Trust Account Appropriation . . . . .	\$	90,000
Fire Services Training Account Appropriation . . . . .	\$	1,740,000
State Toxics Control Account Appropriation . . . . .	\$	425,000
Violence Reduction and Drug Enforcement Account Appropriation . . . . .	\$	2,133,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>30,252,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures from the nonappropriated fingerprint identification account for the automation of pre-employment background checks for public and private employers and background checks for firearms dealers and firearm purchasers are subject to office of financial management approval of a completed feasibility study.

(2) Expenditures from the county criminal justice assistance account appropriation and municipal criminal justice assistance account appropriation in this section shall be expended solely for enhancements to crime lab services.

(3) The Washington state patrol shall report to the department of information services and office of financial management by October 30, 1995, on the implementation and financing plan for the state-wide integrated narcotics system.

(4) \$300,000 of the violence reduction and drug enforcement account appropriation is provided solely for enhancements to the organized crime intelligence unit.

**PART V  
EDUCATION**

**NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF  
PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION**

General Fund—State Appropriation (FY 1996) . . . . .	\$	18,341,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	17,819,000
General Fund—Federal Appropriation . . . . .	\$	39,791,000
Health Services Account Appropriation . . . . .	\$	400,000
Public Safety and Education Account		
Appropriation . . . . .	\$	338,000
Violence Reduction and Drug Enforcement Account		
Appropriation . . . . .	\$	3,122,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>79,811,000</b>

The appropriations in this section are subject to the following conditions and limitations:

**(1) AGENCY OPERATIONS**

(a) \$770,000 of the general fund—state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) \$659,000 of the general fund—state appropriation is provided solely for investigation activities of the office of professional practices.

(c) \$1,700,000 of the general fund—state appropriation is provided solely to reprogram computer applications for collecting and processing school fiscal, personnel, and student data and for calculating apportionment payments and to upgrade agency computer hardware. A maximum of \$600,000 of this amount shall be used for computer hardware.

By December 15, 1995, and before implementation of a new state-wide data system, the superintendent shall present a plan to the house of representatives and senate education and fiscal committees which identifies state data base uses that could involve potentially sensitive data on students and parents. The plan shall detail methods that the superintendent shall employ internally and recommend to school organizations to insure integrity and proper use of data in any student data base, with particular attention to eliminating unnecessary and intrusive data about nonschool related information.

(d) 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) STATE-WIDE PROGRAMS

(a) \$2,174,000 of the general fund—state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center.

(b) \$63,000 of the general fund—state appropriation is provided for operation of the Cispus environmental learning center.

(c) \$2,654,000 of the general fund—state appropriation is provided for educational centers, including state support activities.

(d) \$3,093,000 of the general fund—state appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.

(e) \$4,370,000 of the general fund—state appropriation is provided for complex need grants. Grants shall be provided according to funding ratios established in LEAP Document 30C as developed on May 21, 1995, at 23:46 hours.

(f) \$3,050,000 of the drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(g) Districts receiving allocations from subsections (2) (d) and (e) of this section shall submit an annual report to the superintendent of public instruction on the use of all district resources to address the educational needs of at-risk students in each school building. The superintendent of public instruction shall

make copies of the reports available to the office of financial management and the legislature.

(h) \$500,000 of the general fund—federal appropriation is provided for plan development and coordination as required by the federal goals 2000: Educate America Act. The superintendent shall collaborate with the commission on student learning for the plan development and coordination and submit quarterly reports on the plan development to the education committees of the legislature.

(i) \$400,000 of the health services account appropriation is provided solely for media productions by students at up to 40 sites to focus on issues and consequences of teenage pregnancy and child rearing. The projects shall be consistent with the provisions of Engrossed Second Substitute House Bill No. 2798 as passed by the 1994 legislature, including a local/private or public sector match equal to fifty percent of the state grant; and shall be awarded to schools or consortia not granted funds in 1993-94.

(j) \$7,000 of the general fund—state appropriation is provided to the state board of education to establish teacher competencies in the instruction of braille to legally blind and visually impaired students.

(k) \$50,000 of the general fund—state appropriation is provided solely for matching grants to school districts for analysis of budgets for classroom-related activities as specified in chapter 230, Laws of 1995.

(l) \$3,050,000 of the general fund—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth). Of that amount, \$50,000 is provided for a contract in fiscal year 1996 to the Washington state institute for public policy to conduct an evaluation and review as outlined in section 81 of Engrossed Second Substitute Senate Bill No. 5439. Allocation of the remaining amount shall be based on the number of petitions filed in each district.

**NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)**

General Fund Appropriation (FY 1996) . . . . .	\$	3,174,826,000
General Fund Appropriation (FY 1997) . . . . .	\$	3,284,918,000
TOTAL APPROPRIATION . . . . .	\$	6,459,744,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) Allocations for certificated staff salaries for the 1995-96 and 1996-97 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall

be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3; and

(iii) An additional 5.3 certificated instructional staff units for grades K-3. Any funds allocated for these additional certificated units shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count

by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full-time equivalent enrollment in:

(i) Vocational education programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 18.3 full-time equivalent vocational students;

(ii) Skills center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students; and

(iii) Indirect cost charges to vocational-secondary programs shall not exceed 10 percent;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, 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 grades K-8:

(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 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 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 grades K-6, 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 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;



(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1995-96 and 1996-97 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(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 20.71 percent in the 1995-96 school year and 20.71 percent in the 1996-97 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.77 percent in the 1995-96 school year and 18.77 percent in the 1996-97 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 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified

employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent;

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,656 per certificated staff unit in the 1995-96 school year and a maximum of \$7,893 per certificated staff unit in the 1996-97 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$14,587 per certificated staff unit in the 1995-96 school year and a maximum of \$15,039 per certificated staff unit in the 1996-97 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$341 for the 1995-96 school year and \$341 per year for the 1996-97 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1994-95 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$3,122,000 outside the basic education formula during fiscal years 1996 and 1997 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 \$431,000 may be expended in fiscal year 1996 and a maximum of \$444,000 may be expended in fiscal year 1997;

(b) For summer vocational programs at skills centers, a maximum of \$1,938,000 may be expended in the 1995-96 school year; and

(c) A maximum of \$309,000 may be expended for school district emergencies.

(10) 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 2.2 percent from the 1994-95 school year to the 1995-96 school year, and 1.5 percent from the 1995-96 school year to the 1996-97 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2) (b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2) (a) through (h) of this section shall be reduced in increments of twenty percent per year.

**NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION**

(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 12C, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12C.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100;

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours; and

(c) "LEAP Document 12C" means the computerized tabulation of 1995-96 and 1996-97 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on May 21, 1995, at 23:35 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 20.07 percent for certificated staff and 15.27 percent for classified staff for both years of the biennium.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

STATE-WIDE SALARY ALLOCATION SCHEDULE  
FOR SCHOOL YEARS 1995-96 AND 1996-97

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	22,282	22,884	23,508	24,131	26,137
1	23,012	23,633	24,277	24,942	27,007
2	23,757	24,398	25,060	25,790	27,889
3	24,539	25,200	25,881	26,651	28,787
4	25,336	26,037	26,738	27,549	29,740
5	26,169	26,889	27,609	28,482	30,709
6	27,037	27,754	28,515	29,450	31,710
7	27,919	28,654	29,434	30,429	32,745
8	28,814	29,590	30,388	31,465	33,813
9		30,559	31,396	32,512	34,915
10			32,417	33,613	36,048
11				34,746	37,235
12				35,843	38,452
13					39,700
14					40,955
15 or more					42,020

Years of Service	BA+135	MA	MA+45	MA+90 or PHD
0	27,429	26,715	28,720	30,012
1	28,316	27,526	29,590	30,899
2	29,238	28,374	30,472	31,820
3	30,195	29,235	31,370	32,779
4	31,188	30,133	32,324	33,771
5	32,214	31,065	33,292	34,797
6	33,253	32,033	34,294	35,837
7	34,347	33,013	35,329	36,931
8	35,473	34,048	36,397	38,057
9	36,632	35,095	37,499	39,215
10	37,822	36,196	38,632	40,405
11	39,044	37,329	39,818	41,627
12	40,316	38,508	41,036	42,900
13	41,620	39,726	42,284	44,203
14	42,972	40,981	43,619	45,556
15 or more	44,089	42,046	44,753	46,740

(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.

(5) 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 1994-95 school year.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 or as hereafter amended.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7)(a) Credits earned by certificated instructional staff after September 1, 1995, shall be counted only if the content of the course: (i) Is consistent with the school district's strategic plan for improving student learning; (ii) is consistent with a school-based plan for improving student learning developed under section 520(2) of this act for the school in which the individual is assigned; (iii) pertains to the individual's current assignment or expected assignment for the following school year; (iv) is necessary for obtaining an endorsement as prescribed by the state board of education; (v) is specifically required for obtaining advanced levels of certification; or (vi) is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certificated instructional staff.

(b) Once credits earned by certificated instructional staff have been determined to meet one or more of the criteria in (a) of this subsection, the credits shall be counted even if the individual transfers to other school districts.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

**Ch. 18 WASHINGTON LAWS, 1995 2nd Sp. Sess.**

General Fund Appropriation (FY 1996) . . . . .	\$	96,500,000
General Fund Appropriation (FY 1997) . . . . .	\$	123,377,000
TOTAL APPROPRIATION . . . . .	\$	219,877,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$218,748,000 is provided for cost of living adjustments of 4.0 percent effective September 1, 1995, for state-formula staff units. The appropriation includes associated incremental fringe benefit allocations for both years at rates 20.07 percent for certificated staff and 15.27 percent for classified staff.

(a) The appropriation in this section includes the increased portion of salaries and incremental fringe benefits for all relevant state funded school programs in PART V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in the Special Appropriations sections of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 503 of this act.

(b) The appropriation in this section provides salary increase and incremental fringe benefit allocations for the following programs based on formula adjustments as follows:

(i) For pupil transportation, an increase of \$0.77 per weighted pupil-mile for the 1995-96 school year and maintained for the 1996-97 school year;

(ii) For learning assistance, an increase of \$11.24 per eligible student for the 1995-96 school year and maintained for the 1996-97 school year;

(iii) For education of highly capable students, an increase of \$8.76 per formula student for the 1995-96 school year and maintained for the 1996-97 school year; and

(iv) For transitional bilingual education, an increase of \$22.77 per eligible bilingual student for the 1995-96 school year and maintained for the 1996-97 school year.

(2) The maintenance rate for insurance benefits shall be \$313.95 for the 1995-96 school year and \$314.51 for the 1996-97 school year. Funding for insurance benefits is included within appropriations made in other sections of Part V of this act.

(3) Effective September 1, 1995, a maximum of \$1,129,000 is provided for a 4 percent increase in the state allocation for substitute teachers in the general apportionment programs.

(4) The rates specified in this section are subject to revision each year by the legislature.

**NEW SECTION. Sec. 505. INCREMENT SALARY INCREASES** The appropriations in sections 502 through 519 of this act contain \$27,880,000 in fiscal year 1996 and \$63,950,000 in fiscal year 1997 for funding of experience and education increments for certificated instructional staff. This provides an average salary increase of 1.55 percent per year.

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund Appropriation (FY 1996) . . . . .	\$	155,970,000
General Fund Appropriation (FY 1997) . . . . .	\$	164,511,000
TOTAL APPROPRIATION . . . . .	\$	320,481,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) A maximum of \$1,347,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district. The 1994 travel time to contiguous school district study shall be continued and a report submitted to the fiscal committees of the legislature by December 1, 1995.

(3) A maximum of \$40,000 is provided to complete the computerized state map project containing school bus routing information. This information and available data on school buildings shall be consolidated. Data formats shall be compatible with the geographic information system (GIS) and included insofar as possible in the GIS system.

(4) \$180,000 is provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(5) Beginning with the 1995-96 school year, the superintendent of public instruction shall implement a state bid process for the purchase of school buses pursuant to Engrossed Substitute Senate Bill No. 5408.

(6) Of this appropriation, a maximum of \$8,807,000 may be allocated in the 1995-96 school year and a maximum of \$8,894,000 may be allocated in the 1996-97 school year for hazardous walking conditions. The superintendent shall ensure that the conditions specified in RCW 28A.160.160(4) for state funding of hazardous walking conditions for any district are fully and strictly adhered to, and that no funds are allocated in any instance in which a district is not actively and to the greatest extent possible engaged in efforts to mitigate hazardous walking conditions.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund—State Appropriation (FY 1996) . . . . .	\$	3,000,000
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Ch. 18 WASHINGTON LAWS, 1995 2nd Sp. Sess.

General Fund—State Appropriation (FY 1997) . . . . .	\$	3,000,000
General Fund—Federal Appropriation . . . . .	\$	183,619,000
TOTAL APPROPRIATION . . . . .	\$	189,619,000

**NEW SECTION. Sec. 508. SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 1996) . . . . .	\$	380,179,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	373,289,000
General Fund—Federal Appropriation . . . . .	\$	98,684,000
TOTAL APPROPRIATION . . . . .	\$	852,152,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) In recognition of the need for increased flexibility at the local district level to facilitate the provision of appropriate education to children with disabilities, and the need for substantive educational reform for a significant portion of the school population, the funding formula for special education is modified. These changes result from a 1994 study and recommendations by the institute for public policy and the legislative budget committee, aided by the office of the superintendent of public instruction and the statewide task force for the development of special education funding alternatives. The new formula is for allocation purposes only and is not intended to prescribe or imply any particular pattern of special education service delivery other than that contained in a properly formulated, locally determined, individualized education program.

(3) The superintendent of public instruction shall distribute state funds to school districts based on two categories, the mandatory special education program for special education students ages three to twenty-one and the optional birth through age two program for developmentally delayed infants and toddlers. The superintendent shall review current state eligibility criteria for the fourteen special education categories and consider changes which would reduce assessment time and administrative costs associated with the special education program.

(4) For the 1995-96 and 1996-97 school years, the superintendent shall distribute state funds to each district based on the sum of:

(a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, times the district's average basic education allocation per full-time equivalent student, times 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment times the enrollment percent, times the district's average basic education allocation per full-time equivalent student times 0.9309.

(5) The definitions in this subsection apply throughout this section.

(a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260



(i.e., 49/1000 certificated instructional staff in grades K-3, and 46/1000 in grades 4-12), and shall not include enhancements for K-3, secondary vocational education, or small schools.

(b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(c) "Enrollment percent" shall mean the district's resident special education annual average enrollment including those students counted under the special education demonstration projects, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1995-96 and the 1996-97 school years, each district's enrollment percent shall be:

(i) For districts whose enrollment percent for 1994-95 was at or below 12.7 percent, the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent.

(ii) For districts whose enrollment percent for 1994-95 was above 12.7 percent, the lesser of:

(A) The district's actual enrollment percent for the school year for which the special education allocation is being determined; or

(B) The district's actual enrollment percent for the school year immediately prior to the school year for which the special education allocation is being determined; or

(C) For 1995-96, the 1994-95 enrollment percent reduced by 25 percent of the difference between the district's 1994-95 enrollment percent and 12.7. For 1996-97, the 1994-95 enrollment percent reduced by 50 percent of the difference between the district's 1994-95 enrollment percent and 12.7.

(6) A minimum of \$4.5 million of the general fund—federal appropriation shall be expended for safety net funding to meet the extraordinary needs of individual special education students.

(7) From the general fund—state appropriation, \$14,600,000 is provided for the 1995-96 school year, and \$19,575,000 for the 1996-97 school year, for safety net purposes for districts with demonstrable funding needs for special education beyond the combined amounts provided in subsection (4) of this section. The superintendent of public instruction shall, by rule, establish procedures and standards for allocation of safety net funds. School districts shall submit their requests for safety net funds to the appropriate regional committee established by the superintendent of public instruction. Regional committees shall make recommendations to the state oversight committee for approval. The following conditions and limitations shall be applicable to school districts requesting safety net funds:

(a) For a school district requesting state safety net funds due to special characteristics of the district and costs of providing services which differ

significantly from the assumptions contained in the funding formula, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

(i) Individualized education plans are appropriate and are properly and efficiently prepared and formulated;

(ii) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas;

(iii) The district's programs are operated in a reasonably efficient manner and that the district has adopted a plan of action to contain or eliminate any unnecessary, duplicative, or inefficient practices;

(iv) Indirect costs charged to this program do not exceed the allowable percent for the federal special education program;

(v) Any available federal funds are insufficient to address the additional needs; and

(vi) The costs of any supplemental contracts are not charged to this program for purposes of making these determinations.

(b) For districts requesting safety net funds due to federal maintenance of effort requirements, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

(i) Individualized education plans are appropriate and are properly and efficiently prepared and formulated;

(ii) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas; and

(iii) Calculations made in accordance with subsection (8) of this section with respect to state fund allocations justify a need for additional funds for compliance with federal maintenance of effort requirements.

(8)(a) For purposes of making safety net determinations pursuant to subsection (7) of this section, the superintendent shall make available to each school district, from available data, prior to June 1st of each year:

(i) The district's 1994-95 enrollment percent;

(ii) For districts with a 1994-95 enrollment percent over 12.7 percent, the maximum 1995-96 enrollment percent, and prior to 1996-97 the maximum 1996-97 enrollment percent;

(iii) The estimate to be used for purposes of subsection (7) of this section of each district's 1994-95 special education allocation showing the excess cost and the basic education portions; and

(iv) If necessary, a process for each district to estimate the 1995-96 school year excess cost allocation for special education and the portion of the basic education allocation formerly included in the special education allocation. This process may utilize the allocations generated pursuant to subsection (4) of this section, each district's 1994-95 estimated basic education backout percent for the 1994-95 school year, and state compensation increases for 1995-96.

(b) The superintendent, in consultation with the state auditor, shall take all necessary steps to successfully transition to the new formula and minimize paperwork at the district level associated with maintenance of effort calculations. The superintendent shall develop such rules and procedures as are necessary to implement this process for the 1995-96 school year, and may use the same process for the 1996-97 school year if found necessary for federal maintenance of effort calculations.

(9) Prior to adopting any standards, procedures, or processes required to implement this section, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) Membership of the regional committees may include, but not be limited to:

(a) A representative of the superintendent of public instruction;

(b) One or more representatives from school districts including board members, superintendents, special education directors, and business managers; and

(c) One or more staff from an educational service district.

(11) The state oversight committee appointed by the superintendent of public instruction shall consist of:

(a) Staff of the office of superintendent of public instruction;

(b) Staff of the office of the state auditor;

(c) Staff from the office of the financial management; and

(d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(12) The institute for public policy, in cooperation with the superintendent of public instruction, the office of financial management, and the fiscal committees of the legislature, shall evaluate the operation of the safety nets under subsections (6) and (7) of this section and shall prepare an interim report by December 15, 1995, and a final report on the first school year of operation by October 15, 1996.

(13) A maximum of \$678,000 may be expended from the general fund—state appropriation to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(14) \$1,000,000 of the general fund—federal appropriation is provided solely for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(15) Not more than \$80,000 of the general fund—federal appropriation shall be expended for development of an inservice training program to identify students with dyslexia who may be in need of special education.

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS**

Public Safety and Education Account

Appropriation . . . . .	\$	17,488,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) A maximum of \$507,000 shall be expended for regional traffic safety education coordinators.

(3) The maximum basic state allocation per student completing the program shall be \$137.16 in the 1995-96 and 1996-97 school years.

(4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of \$66.81 per eligible student in the 1995-96 and 1996-97 school years.

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund Appropriation (FY 1996) . . . . .	\$	4,411,000
General Fund Appropriation (FY 1997) . . . . .	\$	4,410,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>8,821,000</b>

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$225,000 of the general fund appropriation is provided solely for student teaching centers as provided in RCW 28A.415.100.

(3) \$360,000 of the general fund appropriation is provided solely to continue implementation of chapter 109, Laws of 1993 (collaborative development school projects).

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE**

General Fund Appropriation (FY 1996) . . . . .	\$	75,408,000
General Fund Appropriation (FY 1997) . . . . .	\$	79,592,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>155,000,000</b>

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FUNDED UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT**

General Fund—Federal Appropriation . . . . .	\$	222,376,000
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**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATION OF INDIAN CHILDREN**

General Fund—Federal Appropriation . . . . . \$ 370,000

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 1996) . . . . . \$ 15,417,000  
 General Fund—State Appropriation (FY 1997) . . . . . \$ 15,795,000  
 General Fund—Federal Appropriation . . . . . \$ 8,548,000  
**TOTAL APPROPRIATION . . . . . \$ 39,760,000**

The appropriations in this section are subject to the following conditions and limitations:

- (1) The general fund—state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.
- (2) 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.
- (3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution and other state funding assumptions shall be those specified in the legislative budget notes.

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund Appropriation (FY 1996) . . . . . \$ 4,254,000  
 General Fund Appropriation (FY 1997) . . . . . \$ 4,277,000  
**TOTAL APPROPRIATION . . . . . \$ 8,531,000**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.
- (2) Allocations for school district programs for highly capable students shall be distributed for up to one and one-half percent of each district's full-time equivalent basic education act enrollment.
- (3) \$436,000 of the appropriation is for the Centrum program at Fort Worden state park.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS**

General Fund—State Appropriation (FY 1996) . . . . . \$ 17,904,000  
 General Fund—State Appropriation (FY 1997) . . . . . \$ 18,062,000  
 General Fund—Federal Appropriation . . . . . \$ 12,500,000  
**TOTAL APPROPRIATION . . . . . \$ 48,466,000**

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,819,000 of the general fund—state appropriation is provided solely for the operation of the commission on student learning under RCW 28A.630.883 through 28A.630.953. The commission on student learning shall report on a regular basis regarding proposed activities and expenditures of the commission.

(2) \$4,890,000 of the general fund—state appropriation and \$800,000 of the general fund—federal appropriation are provided solely for development of assessments as required in RCW 28A.630.885 as amended by House Bill No. 1249.

(3) \$2,190,000 of the general fund—state appropriation is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$2,970,000 of the general fund—state appropriation is provided for school-to-work transition projects in the common schools, including state support activities, under RCW 28A.630.861 through 28A.630.880.

(5) \$2,970,000 of the general fund—state appropriation is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260. Funds for the teacher assistance program shall be allocated to school districts based on the number of beginning teachers.

(6) \$1,620,000 of the general fund—state appropriation is provided for superintendent and principal internships, including state support activities, under RCW 28A.415.270 through 28A.415.300.

(7) \$4,050,000 of the general fund—state appropriation is provided for improvement of technology infrastructure, the creation of a student database, and educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(8) \$7,200,000 of the general fund—state appropriation is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(9) \$5,000,000 of the general fund—state appropriation is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155 and shall be distributed as follows:

(a) \$442,000 is provided solely for start-up grants for schools not eligible for federal start-up grants and for summer food service programs; and

(b) \$4,558,000 of the general fund—state appropriation is provided solely to increase the state subsidy for free and reduced-price breakfasts.

(10) \$1,260,000 of the general fund—state appropriation is provided for technical assistance related to education reform through the office of the

superintendent of public instruction, in consultation with the commission on student learning, as specified in RCW 28A.300.130 (center for the improvement of student learning).

(11) \$1,700,000 of the general fund—federal appropriation is provided for professional development grants.

(12) \$10,000,000 of the general fund—federal appropriation is provided solely for competitive grants to school districts for implementation of education reform. To the extent that additional federal goals 2000 funds become available, the superintendent shall also allocate such additional funds for the same purpose.

**NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR ENCUMBRANCES OF FEDERAL GRANTS**

General Fund—Federal Appropriation . . . . . \$ 51,216,000

**NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund Appropriation (FY 1996) . . . . . \$ 27,286,000

General Fund Appropriation (FY 1997) . . . . . \$ 29,566,000

TOTAL APPROPRIATION . . . . . \$ 56,852,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) The superintendent shall distribute a maximum of \$623.21 per eligible bilingual student in the 1995-96 school year and \$623.31 in the 1996-97 school year.

**NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund Appropriation (FY 1996) . . . . . \$ 56,293,000

General Fund Appropriation (FY 1997) . . . . . \$ 57,807,000

TOTAL APPROPRIATION . . . . . \$ 114,100,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) For making the calculation of the percentage of students scoring in the lowest quartile as compared with national norms, beginning with the 1991-92 school year, the superintendent shall multiply each school district's 4th and 8th grade test results by 0.86.

(3) Funding for school district learning assistance programs shall be allocated at a maximum rate of \$366.74 per unit for the 1995-96 school year and

a maximum of \$366.81 per unit in the 1996-97 school year. School districts may carryover up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(a) A school district's units for the 1995-96 school year shall be the sum of the following:

(i) The 1995-96 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and

(ii) The 1995-96 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and

(iii) If the district's percentage of October 1994 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1995-96 K-12 annual average full-time equivalent enrollment times 11.68 percent.

(b) A school district's units for the 1996-97 school year shall be the sum of the following:

(i) The 1996-97 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and

(ii) The 1996-97 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and

(iii) If the district's percentage of October 1995 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1996-97 K-12 annual average full-time equivalent enrollment times 22.30 percent.

**NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL ENHANCEMENT FUNDS**

General Fund Appropriation (FY 1996) . . . . .	\$	57,126,000
General Fund Appropriation (FY 1997) . . . . .	\$	58,429,000
TOTAL APPROPRIATION . . . . .	\$	115,555,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) School districts receiving moneys pursuant to this section shall expend at least fifty-eight percent of such moneys in school buildings for building based planning, staff development, and other activities to improve student learning,



consistent with the student learning goals in RCW 28A.150.210 and RCW 28A.630.885. Districts receiving the moneys shall have a policy regarding the involvement of school staff, parents, and community members in instructional decisions. Each school using the moneys shall, by the end of the 1995-96 school year, develop and keep on file a building plan to attain the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed. The remaining forty-two percent of such moneys may be used to meet other educational needs as identified by the school district. 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 constitute levy reduction funds for purposes of RCW 84.52.0531.

(3) Forty-two percent of the allocations to school districts shall be calculated on the basis of full-time enrollment at an annual rate per student of up to \$26.30 for the 1995-96 and 1996-97 school years. 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 as follows:

(a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Fifty-eight percent of the allocations to school districts shall be calculated on the basis of full-time enrollment at an annual rate per student of up to \$36.69 for the 1995-96 and 1996-97 fiscal years. The state schools for the deaf and the blind may qualify for allocations of funds under this subsection. 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 as follows:

(a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(5) Beginning with the 1995-96 school year, to provide parents, the local community, and the legislature with information on the student learning improvement block grants, schools receiving funds for such purpose shall include, in the annual performance report required in RCW 28A.320.205, information on how the student learning improvement block grant moneys were spent and what results were achieved. Each school district shall submit the reports to the superintendent of public instruction and the superintendent shall provide the legislature with an annual report.

(6) Receipt by a school district of one-fourth of the district's allocation of funds under this section, shall be conditioned on a finding by the superintendent that the district is enrolled as a medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding).

**NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** The appropriations in sections 502, 504, 506, 508, 510, 514, 515, 518, and 519 of this act include amounts to pay increased state retirement system contributions resulting from enactment of Substitute Senate Bill No. 5119 (uniform COLA).

#### PART VI HIGHER EDUCATION

**NEW SECTION. Sec. 601.** The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2) Operating resources that are not used to meet authorized salary increases and other mandated expenses shall be invested in measures that (a) reduce the time-to-degree, (b) provide additional access to postsecondary education, (c) improve the quality of undergraduate education, (d) provide improved access to courses and programs that meet core program requirements and are consistent with needs of the state labor market, (e) provide up-to-date equipment and facilities for training in current technologies, (f) expand the integration between the K-12 and postsecondary systems and among the higher education institutions, (g) provide additional access to postsecondary education for place-bound and remote students, and (h) improve teaching and research capability through the funding of distinguished professors. The institutions shall establish, in consultation with the board, measurable goals for increasing the average scheduled course contact hours by type of faculty, and shall report to the appropriate policy and fiscal committees of the legislature each December 1st as to performance on such goals.

To reduce the time it takes students to graduate, the institutions shall establish policies and reallocate resources as necessary to increase the number of undergraduate degrees granted per full-time equivalent instructional faculty.

(3) The salary increases provided or referenced in this subsection shall be the maximum allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015.

(a) No more than \$300,000 of the appropriations provided in sections 602 through 608 of this act may be expended for purposes designated in section 911 of this act.

(b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management a salary increase of 4.0 percent on July 1, 1995. Each institution of higher education shall provide to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management and all other nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 4.0 percent on July 1, 1995. For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015, distribution of the salary increases will be in accordance with the applicable collective bargaining agreement.

(c) Funds under section 717 of this act are in addition to any increases provided in (a) and (b) of this subsection. Specific salary increases authorized in sections 603 and 604 of this act are in addition to any salary increase provided in this subsection.

**NEW SECTION. Sec. 602.** The appropriations in sections 603 through 609 of this act provide state general fund support or employment and training trust account support for student full-time equivalent enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institution assumed in this act.

	1995-96	1996-97
	Annual	Annual
	Average	Average
	FTE	FTE
University of Washington		
Main campus . . . . .	29,857	29,888
Evening Degree Program . . . . .	571	617
Tacoma branch . . . . .	588	687
Bothell branch . . . . .	533	617
Washington State University		
Main campus . . . . .	16,205	16,419
Spokane branch . . . . .	283	308
Tri-Cities branch . . . . .	624	707

Vancouver branch . . . . .	723	851
Central Washington University . . . . .	6,903	6,997
Eastern Washington University . . . . .	7,656	7,739
The Evergreen State College . . . . .	3,278	3,298
Western Washington University . . . . .	9,483	9,606
State Board for Community and Technical Colleges . . . . .	111,986	113,586
Higher Education Coordinating Board . . . . .	50	50

**NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund—State Appropriation (FY 1996) . . . . .	\$	345,763,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	348,728,000
General Fund—Federal Appropriation . . . . .	\$	11,404,000
Employment and Training Trust Account Appropriation . . . . .	\$	58,575,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>764,470,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,883,000 of the general fund appropriation is provided solely for 500 supplemental FTE enrollment slots to implement RCW 28B.50.259 (timber-dependent communities).

(2) \$58,575,000 of the employment and training trust account appropriation is provided solely for training and related support services specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Of this amount:

(a) \$41,090,000 is to provide enrollment opportunity for 6,100 full-time equivalent students in fiscal year 1996 and 7,200 full-time equivalent students in fiscal year 1997. The state board for community and technical colleges shall submit to the workforce training and education coordinating board for review and approval a plan for the allocation of the full-time equivalents provided in this subsection.

(b) \$8,403,000 is to provide child care assistance, transportation, and financial aid for the student enrollments funded in (a) of this subsection.

(c) \$7,632,000 is to provide financial assistance for student enrollments funded in (a) of this subsection in order to enhance program completion for those enrolled students whose unemployment benefit eligibility will be exhausted before their training program is completed. The state board for community and technical colleges shall submit to the workforce training and education coordinating board for review and approval a plan for eligibility and disbursement criteria to be used in determining the award of moneys provided in this subsection.

(d) \$750,000 is provided solely for an interagency agreement with the workforce training and education coordinating board for an independently contracted net-impact study to determine the overall effectiveness and outcomes of retraining and other services provided under chapter 226, Laws of 1993, (employment and training for unemployed workers). The net-impact study shall be completed and delivered to the legislature no later than December 31, 1996.

(e) \$700,000 is to provide the operating resources for seven employment security department job service centers located on community and technical college campuses.

(3) \$3,725,000 of the general fund appropriation is provided solely for assessment of student outcomes at community and technical colleges.

(4) \$1,412,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(5) \$3,296,720 of the general fund appropriation is provided solely for instructional equipment.

(6) \$688,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(7) Up to \$4,200,000 of the appropriations in this section may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments.

(8) The technical colleges may increase tuition and fees to conform with the percentage increase in community college operating fees authorized in Substitute Senate Bill No. 5325.

(9) Up to \$6,000,000 of general operating funds may be used to address accreditation issues at the technical colleges.

(10) Up to \$50,000, if matched by an equal amount from private sources, may be used to initiate an international trade education consortium, composed of selected community colleges, to fund and promote international trade education and training services in a variety of locations throughout the state, which services shall include specific business skills needed to develop and sustain international business opportunities that are oriented toward vocational, applied skills. The board shall report to appropriate legislative committees on these efforts at each regular session of the legislature.

**NEW SECTION. Sec. 604. FOR THE UNIVERSITY OF WASHINGTON**

General Fund Appropriation (FY 1996) . . . . .	\$	263,981,000
General Fund Appropriation (FY 1997) . . . . .	\$	258,321,000
Death Investigations Account Appropriation . . . . .	\$	1,685,000
Accident Account Appropriation . . . . .	\$	4,335,000
Medical Aid Account Appropriation . . . . .	\$	4,330,000
Health Services Account Appropriation . . . . .	\$	6,244,000
TOTAL APPROPRIATION . . . . .	\$	538,896,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,516,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus. Of this amount, \$237,000 is provided solely for continuation of the two-plus-two program operated jointly with the Olympic Community College.

(2) \$9,438,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus.

(3) \$2,300,000 of the health services account appropriation is provided solely for the implementation of chapter 492, Laws of 1993 (health care reform) to increase the supply of primary health care providers.

(4) \$300,000 of the health services account appropriation is provided solely to expand community-based training for physician assistants.

(5) \$300,000 of the health services account appropriation is provided solely for the advanced registered nurse program.

(6) \$2,909,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(7) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(8) \$648,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(9) \$1,471,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(10) \$500,000 of the general fund appropriation is provided solely for enhancements to the mathematics, engineering and science achievement (MESA) program.

(11) \$227,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

(12) The university shall begin implementation of the professional staff and librarian market gap remedy plan II, which was submitted to the legislature in response to section 603(3), chapter 24, Laws of 1993 sp. sess. and section 603(3), chapter 6, Laws of 1994 sp. sess. As part of the implementation of the plan, an average salary increase of 5.0 percent may be provided to librarians and professional staff on July 1, 1995, to meet salary gaps as described in the plan.

(13) \$184,000 of the health services account appropriation is provided solely for participation of the University of Washington dental school in migrant/ community health centers in the Yakima valley.

(14) At least \$50,000 of the general fund appropriation shall be used for research at the Olympic natural resources center.

**NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY**

General Fund Appropriation (FY 1996) . . . . .	\$	150,520,000
General Fund Appropriation (FY 1997) . . . . .	\$	153,906,000
Industrial Insurance Premium Refund Account		
Appropriation . . . . .	\$	33,000
Health Services Account Appropriation . . . . .	\$	1,400,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>305,859,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$12,008,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Vancouver branch campus. \$1,198,000 of this amount is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(2) \$7,534,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Tri-Cities branch campus. \$53,000 of this amount is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(3) \$7,691,000 of the general fund appropriation is provided solely to operate graduate and professional level courses and other educational services offered at the Spokane branch campus.

(4) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) \$280,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(6) \$1,400,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(7) \$2,167,000 of the general fund appropriation is provided for new building operations and maintenance on the main campus and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(8) \$525,000 of the general fund appropriation is provided solely to implement House Bill No. 1741 (wine and wine grape research). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(9) \$1,000,000 of the general fund appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1009 (pesticide research). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(10) \$314,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

**NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) . . . . .	\$	36,741,000
General Fund Appropriation (FY 1997) . . . . .	\$	37,084,000
Health Services Account Appropriation . . . . .	\$	200,000
TOTAL APPROPRIATION . . . . .	\$	74,025,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.
- (3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

**NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) . . . . .	\$	33,683,000
General Fund Appropriation (FY 1997) . . . . .	\$	34,055,000
Industrial Insurance Premium Refund Account		
Appropriation . . . . .	\$	10,000
Health Services Account Appropriation . . . . .	\$	140,000
TOTAL APPROPRIATION . . . . .	\$	67,888,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (2) \$140,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.
- (3) \$140,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

**NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE**

General Fund Appropriation (FY 1996) . . . . .	\$	18,436,000
General Fund Appropriation (FY 1997) . . . . .	\$	18,504,000
TOTAL APPROPRIATION . . . . .	\$	36,940,000

The appropriation in this section is subject to the following conditions and limitations:



(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$94,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$58,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

**NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) . . . . .	\$	42,533,000
General Fund Appropriation (FY 1997) . . . . .	\$	43,173,000
Health Services Account Appropriation . . . . .	\$	200,000
TOTAL APPROPRIATION . . . . .	\$	85,906,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(4) \$275,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

**NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD—POLICY COORDINATION AND ADMINISTRATION**

General Fund—State Appropriation (1996) . . . . .	\$	1,933,000
General Fund—State Appropriation (1997) . . . . .	\$	1,811,000
General Fund—Federal Appropriation . . . . .	\$	1,073,000
TOTAL APPROPRIATION . . . . .	\$	4,817,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations: \$560,000 of the general fund—state appropriation is provided solely for enrollment to implement RCW 28B.80.570 through 28B.80.580 (timber dependent communities). The number of students served shall be 50 full-time equivalent students per fiscal year. The higher education coordinating board (HECB) in cooperation with the state board for community and technical college education (SBCTC) shall review the outcomes of the timber program and report to the governor and legislature by November 1, 1995. The review should include programs administered by the HECB and SBCTC. The review should address student satisfaction, academic

success, and employment success resulting from expenditure of these funds. The boards should consider a broad range of recommendations, from strengthening the program with existing resources to terminating the program.

**NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD—FINANCIAL AID AND GRANT PROGRAMS**

General Fund—State Appropriation (1996) . . . . .	\$	71,412,000
General Fund—State Appropriation (1997) . . . . .	\$	71,613,000
General Fund—Federal Appropriation . . . . .	\$	3,579,000
State Educational Grant Account Appropriation . . . . .	\$	40,000
Health Services Account Appropriation . . . . .	\$	2,230,000
TOTAL APPROPRIATION . . . . .	\$	148,874,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,044,000 of the general fund—state appropriation is provided solely for the displaced homemakers program.
- (2) \$431,000 of the general fund—state appropriation is provided solely for the western interstate commission for higher education.
- (3) \$230,000 of the health services account appropriation is provided solely for the health personnel resources plan.
- (4) \$2,000,000 of the health services account appropriation is provided solely for scholarships and loans under chapter 28B.115 RCW, the health professional conditional scholarship program. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.
- (5) \$140,543,000 of the general fund—state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:
  - (a) \$110,504,000 is provided solely for the state need grant program;
  - (b) \$24,200,000 is provided solely for the state work study program;
  - (c) \$1,000,000 is provided solely for educational opportunity grants;
  - (d) A maximum of \$2,650,000 may be expended for financial aid administration, excluding the four percent state work study program administrative allowance provision;
  - (e) \$633,000 is provided solely for the educator's excellence awards;
  - (f) \$876,000 is provided solely to implement the Washington scholars program pursuant to Second Substitute House Bill No. 1318 or substantially similar legislation (Washington scholars program); and
  - (g) \$680,000 is provided solely to implement Substitute House Bill No. 1814 (Washington award for vocational excellence). If the bill is not enacted by June 30, 1995, the amount provided in this subsection (g) shall lapse.

**NEW SECTION. Sec. 612. FOR THE JOINT CENTER FOR HIGHER EDUCATION**

General Fund Appropriation (FY 1996) . . . . .	\$	1,127,000
General Fund Appropriation (FY 1997) . . . . .	\$	1,311,000

TOTAL APPROPRIATION . . . . . \$ 2,438,000

The appropriation in this section is subject to the following conditions and limitations: \$765,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

**NEW SECTION. Sec. 613. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund—State Appropriation (FY 1996) . . . . . \$ 1,634,000  
General Fund—State Appropriation (FY 1997) . . . . . \$ 1,634,000  
General Fund—Federal Appropriation . . . . . \$ 34,641,000  
TOTAL APPROPRIATION . . . . . \$ 37,909,000

**NEW SECTION. Sec. 614. FOR WASHINGTON STATE LIBRARY**

General Fund—State Appropriation (FY 1996) . . . . . \$ 7,069,000  
General Fund—State Appropriation (1997) . . . . . \$ 7,071,000  
General Fund—Federal Appropriation . . . . . \$ 4,799,000  
General Fund—Private/Local Appropriation . . . . . \$ 46,000  
Industrial Insurance Premium Refund Account  
Appropriation . . . . . \$ 7,000  
TOTAL APPROPRIATION . . . . . \$ 18,992,000

The appropriations in this section are subject to the following conditions and limitations: \$2,439,516 of the general fund—state appropriation and federal funds are provided for a contract with the Seattle public library for library services for the Washington book and braille library.

**NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund—State Appropriation (1996) . . . . . \$ 2,236,000  
General Fund—State Appropriation (1997) . . . . . \$ 1,929,000  
General Fund—Federal Appropriation . . . . . \$ 934,000  
Industrial Insurance Premium Refund Account  
Appropriation . . . . . \$ 1,000  
TOTAL APPROPRIATION . . . . . \$ 5,100,000

**NEW SECTION. Sec. 616. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation (FY 1996) . . . . . \$ 1,965,000  
General Fund Appropriation (FY 1997) . . . . . \$ 2,186,000  
TOTAL APPROPRIATION . . . . . \$ 4,151,000

The appropriation in this section is subject to the following conditions and limitations: \$1,731,000 is provided solely for the new Washington state historical society operations and maintenance located in Tacoma.

**NEW SECTION. Sec. 617. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation (FY 1996) . . . . .	\$	473,000
General Fund Appropriation (FY 1997) . . . . .	\$	473,000
TOTAL APPROPRIATION . . . . .	\$	946,000

**NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE BLIND**

General Fund—State Appropriation (1996) . . . . .	\$	3,421,000
General Fund—State Appropriation (1997) . . . . .	\$	3,440,000
Industrial Insurance Premium Refund Account		
Appropriation . . . . .	\$	7,000
TOTAL APPROPRIATION . . . . .	\$	6,868,000

**NEW SECTION. Sec. 619. FOR THE STATE SCHOOL FOR THE DEAF**

General Fund—State Appropriation (1996) . . . . .	\$	6,182,000
General Fund—State Appropriation (1997) . . . . .	\$	6,215,000
Industrial Insurance Premium Refund Account		
Appropriation . . . . .	\$	15,000
TOTAL APPROPRIATION . . . . .	\$	12,412,000

**PART VII  
SPECIAL APPROPRIATIONS**

**NEW SECTION. Sec. 701. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT**

General Fund Appropriation . . . . .	\$	852,281,000
State Building and Construction Account		
Appropriation . . . . .	\$	21,500,000
TOTAL APPROPRIATION . . . . .	\$	873,781,000

The general fund appropriation is for deposit into the account listed in section 801 of this act.

**NEW SECTION. Sec. 702. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**

State Convention and Trade Center Account		
Appropriation . . . . .	\$	24,179,000
Accident Account Appropriation . . . . .	\$	5,548,000
Medical Account Appropriation . . . . .	\$	5,548,000
TOTAL APPROPRIATION . . . . .	\$	35,275,000

**NEW SECTION. Sec. 703. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRA-**

**TION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund Appropriation . . . . .	\$	37,031,000
Higher Education Reimbursable Construction Account		
Appropriation . . . . .	\$	197,000
Community College Capital Construction Bond		
Retirement Fund 1975 Appropriation . . . . .	\$	450,000
Higher Education Bond Retirement Fund 1979		
Appropriation . . . . .	\$	2,887,000
TOTAL APPROPRIATION . . . . .	\$	40,565,000

**NEW SECTION. Sec. 704. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**

Common School Building Bond Redemption Fund 1967		
Appropriation . . . . .	\$	6,923,000
State Building and Parking Bond Redemption		
Fund 1969 Appropriation . . . . .	\$	2,453,000
TOTAL APPROPRIATION . . . . .	\$	9,376,000

**NEW SECTION. Sec. 705. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund Appropriation . . . . .	\$	1,535,000
State Convention and Trade Center Account		
Appropriation . . . . .	\$	15,000
State Building Construction Account		
Appropriation . . . . .	\$	364,000
Higher Education Reimbursable Construction		
Account Appropriation . . . . .	\$	3,000
TOTAL APPROPRIATION . . . . .	\$	1,917,000

Total Bond Retirement and Interest Appropriations contained in sections 701 through 705 of this act . . . . . \$ 960,914,000

**NEW SECTION. Sec. 706. FOR THE GOVERNOR—FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND**

General Fund Appropriation (FY 1996) . . . . .	\$	1,815,000
General Fund Appropriation (FY 1997) . . . . .	\$	1,815,000
Wildlife Fund Appropriation . . . . .	\$	78,000
TOTAL APPROPRIATION . . . . .	\$	3,708,000

**NEW SECTION. Sec. 707. FOR THE GOVERNOR—AMERICANS WITH DISABILITIES ACT**

Americans with Disabilities Special Revolving Fund

Appropriation . . . . . \$ 426,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation shall be used solely to fund requests from state agencies complying with the program requirements of the federal Americans with disabilities act. This appropriation will be administered by the office of financial management and will be apportioned to agencies meeting distribution criteria.

(2) To facilitate payment from special funds dedicated to agency programs receiving allocations under this section, the state treasurer is directed to transfer sufficient moneys from the special funds to the Americans with disabilities special revolving fund, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

**NEW SECTION. Sec. 708. FOR THE GOVERNOR—TORT DEFENSE SERVICES**

General Fund Appropriation (FY 1996) . . . . .	\$	965,000
General Fund Appropriation (FY 1997) . . . . .	\$	966,000
TOTAL APPROPRIATION . . . . .	\$	
Special Fund Agency Tort Defense Services		
Revolving Fund Appropriation . . . . .	\$	1,287,000
TOTAL APPROPRIATION . . . . .	\$	3,218,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund agency tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

**NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT—EMERGENCY FUND**

General Fund Appropriation (FY 1996) . . . . .	\$	850,000
General Fund Appropriation (FY 1997) . . . . .	\$	850,000
TOTAL APPROPRIATION . . . . .	\$	1,700,000

The appropriation in this section is for the governor’s emergency fund for the critically necessary work of any agency.

**NEW SECTION. Sec. 710. BELATED CLAIMS.** The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 711. FOR THE GOVERNOR—COMPENSATION—INSURANCE BENEFITS**

General Fund—State Appropriation (FY 1996) . . . . .	\$	2,390,000
General Fund—State Appropriation (FY 1997) . . . . .	\$	2,561,000

General Fund—Federal Appropriation . . . . .	\$	1,835,000
General Fund—Private/Local Appropriation . . . . .	\$	136,000
Salary and Insurance Increase Revolving Account		
Appropriation . . . . .	\$	4,105,000
TOTAL APPROPRIATION . . . . .	\$	11,027,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The monthly contribution for insurance benefit premiums shall not exceed \$308.14 per eligible employee for fiscal year 1996, and \$308.96 for fiscal year 1997.

(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 \$5.81 per eligible employee for fiscal year 1996, and \$5.55 for fiscal year 1997.

(c) Surplus moneys accruing to the public employees' and retirees' insurance account due to lower-than-projected insurance costs or due to employee waivers of coverage may not be reallocated by the health care authority to increase the actuarial value of public employee insurance plans. Such funds shall be held in reserve in the public employees' and retirees' insurance account and may not be expended without subsequent legislative authorization.

(d) In order to achieve the level of funding provided for health benefits, the public employees' benefits board may require employee premium co-payments, increase point-of-service cost sharing, and/or implement managed competition.

(2) 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.

(3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From July 1, 1995, through December 31, 1995, the subsidy shall be \$34.20 per month. From January 1, 1996, through December 31, 1996, the subsidy shall be \$36.77 per month. Starting January 1, 1997, the subsidy shall be \$39.52 per month.

(4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120:

(a) For each full-time employee, \$14.79 per month beginning October 1, 1995, and \$14.80 per month beginning September 1, 1996;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$14.79

each month beginning October 1, 1995, and \$14.80 each month beginning September 1, 1996, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(5) The salary and insurance increase revolving account appropriation includes funds sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (1) of this section, consistent with the 1995-97 transportation appropriations act.

(6) Rates charged to school districts voluntarily purchasing employee benefits through the health care authority shall be equivalent to the actual insurance costs of benefits and administration costs for state and higher education employees except:

(a) The health care authority is authorized to reduce rates charged to school districts for up to 10,000 new subscribers by applying surplus funds accumulated in the public employees' and retirees' insurance account. Rates may be reduced up to a maximum of \$10.93 per subscriber per month in fiscal year 1996 and a maximum of \$7.36 per subscriber per month in fiscal year 1997; and

(b) For employees who first begin receiving benefits through the health care authority after September 1, 1995, districts shall remit the additional costs of health care authority administration resulting from their enrollment. The additional health care authority administration costs shall not exceed \$.30 per month per subscriber.

**NEW SECTION. Sec. 712. 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 1996	FY 1997
General Fund Appropriation . . . . .	\$ 87,500,000	87,500,000

(2) There is appropriated for contributions to the judicial retirement system:

	FY 1996	FY 1997
General Fund Appropriation . . . . .	\$ 6,500,000	6,500,000

(3) There is appropriated for contributions to the judges retirement system:

	FY 1996	FY 1997
General Fund Appropriation . . . . .	\$ 800,000	800,000

**NEW SECTION. Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

	FY 1996	FY 1997
General Fund—State		
Appropriation . . . . .	\$ 1,007,000	1,224,000



General Fund—Federal		
Appropriation . . . . .	\$ 367,000	447,000
Special Account Retirement Contribution		
Increase Revolving Account		
Appropriation . . . . .	\$ 904,000	1,089,000
TOTAL APPROPRIATION . . . .	\$	5,038,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely to pay the increased retirement contributions resulting from enactment of Substitute Senate Bill No. 5119 (uniform COLA). If the bill is not enacted by June 30, 1995, the amounts provided in this section shall lapse.

**NEW SECTION. Sec. 714. SALARY COST OF LIVING ADJUSTMENT**

General Fund—State Appropriation (FY 1996) . . . . .	\$ 36,020,000
General Fund—State Appropriation (FY 1997) . . . . .	\$ 36,590,000
General Fund—Federal Appropriation . . . . .	\$ 29,603,000
Salary and Insurance Increase Revolving Account	
Appropriation . . . . .	\$ 60,213,000
TOTAL APPROPRIATION . . . . .	\$ 162,426,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations in this section.

(1) In addition to the purposes set forth in subsections (2), (3), and (4) of this section, appropriations in this section are provided solely for a 4.0 percent salary increase effective July 1, 1995, for all classified employees (including those employees in the Washington management service) and exempt employees under the jurisdiction of the personnel resources board.

(2) The appropriations in this section are sufficient to fund a 4.0 percent salary increase for general government, legislative, and judicial employees exempt from merit system rules whose salaries are not set by the commission on salaries for elected officials.

(3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 4.0 percent cost-of-living adjustment, effective July 1, 1995, for ferry workers consistent with the 1995-97 transportation appropriations act.

(4) The appropriations in this section include funds sufficient to fund the salary increases approved by the commission on salaries for elected officials for legislators and judges.

(5) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

**NEW SECTION. Sec. 715. FOR THE ATTORNEY GENERAL—SALARY ADJUSTMENTS**

**Ch. 18 WASHINGTON LAWS, 1995 2nd Sp. Sess.**

General Fund Appropriation (FY 1996) . . . . .	\$	1,129,000
General Fund Appropriation (FY 1997) . . . . .	\$	1,129,000
Attorney General Salary Increase Revolving		
Account Appropriation . . . . .	\$	1,542,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>3,800,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for increases in salaries and related benefits of assistant attorneys general. The attorney general shall distribute these funds in a manner that will maintain or increase the quality and experience of the attorney general's staff. Market value, specialization, retention, and merit (including billable hours) shall be the factors in determining the distribution of these funds.

(2) 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 attorney general salary increase revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

**NEW SECTION. Sec. 716. SALARY INCREMENT INCREASES.** General government and higher education general service employees whose salaries were frozen in the 1993-95 biennium and who are below the top step of their salary range will receive a step increase on their next periodic increment date on or after July 1, 1995. Thereafter, periodic increments will occur on the subsequent increment dates. Affected Washington management service (WMS) employees may receive increments as provided in the pertinent WMS rules on or after July 1, 1995. Civil service exempt employees who are below the top step may receive an increase at the discretion of the relevant appointing authority.

**NEW SECTION. Sec. 717. INCREMENT SALARY INCREASES.** The appropriations in Parts I through VI of this act to the agencies and institutions of the state contain \$28,000,000 from the general fund—state and \$34,000,000 from other funds for the purposes of providing increment salary increases for longevity to employees of the state pursuant to RCW 41.06.150(18), chapter 41.56 RCW, and other statutes. This amount will provide average salary increases of 1.0 percent during the 1995-97 biennium.

**NEW SECTION. Sec. 718. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD**

General Fund Appropriation (FY 1997) . . . . .	\$	5,000,000
Salary and Insurance Increase Revolving		
Account Appropriation (FY 1997) . . . . .	\$	5,000,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>10,000,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section shall be expended solely for the purposes designated in section 911 of this act.

(2) In addition to the moneys appropriated in this section, state agencies may expend up to an additional \$2,500,000 from other general fund—state appropriations in this act and \$2,500,000 from appropriations from other funds and accounts for the purposes and under the procedures designated in section 911 of this act.

**PART VIII**

**OTHER TRANSFERS AND APPROPRIATIONS**

**NEW SECTION. Sec. 801. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT**

State General Obligation Bond Retirement Fund 1979

Fund Appropriation . . . . .	\$	852,281,000
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The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 701 of this act shall not exceed the total appropriation in this section.

**NEW SECTION. Sec. 802. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY AS PRESCRIBED BY STATUTE**

State General Obligation Bond Retirement Fund 1979

Appropriation . . . . .	\$	37,031,000
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The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 703 of this act shall not exceed the total appropriation in this section.

**NEW SECTION. Sec. 803. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premiums distribution . . . . .	\$	6,025,000
General Fund Appropriation for public utility district excise tax distribution . . . . .	\$	29,885,000
General Fund Appropriation for prosecuting attorneys' salaries . . . . .	\$	2,800,000
General Fund Appropriation for motor vehicle excise tax distribution . . . . .	\$	72,684,000
General Fund Appropriation for local mass transit assistance . . . . .	\$	335,869,000
General Fund Appropriation for camper and		

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travel trailer excise tax distribution . . . . .	\$	3,554,000
General Fund Appropriation for boating safety/education and law enforcement distribution . . . . .	\$	3,224,000
General Fund Appropriation for public health distribution . . . . .	\$	36,465,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution . . . . .	\$	130,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution . . . . .	\$	22,185,000
Liquor Revolving Fund Appropriation for liquor profits distribution . . . . .	\$	42,778,000
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties . . . . .	\$	115,950,000
Municipal Sales and Use Tax Equalization Account Appropriation . . . . .	\$	58,181,000
County Sales and Use Tax Equalization Account Appropriation . . . . .	\$	12,940,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies . . . . .	\$	1,200,000
County Criminal Justice Account Appropriation . . . . .	\$	69,940,000
Municipal Criminal Justice Account Appropriation . . . . .	\$	27,972,000
County Public Health Account Appropriation . . . . .	\$	29,709,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>871,491,000</b>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 804. FOR THE STATE TREASURER—  
FEDERAL REVENUES FOR DISTRIBUTION**

Forest Reserve Fund Appropriation for federal forest reserve fund distribution . . . . .	\$	50,740,000
General Fund Appropriation for federal flood control funds distribution . . . . .	\$	48,000
General Fund Appropriation for federal grazing fees distribution . . . . .	\$	73,000
General Fund Appropriation for distribution of federal funds to counties in conformance with P.L. 97-99 Federal Aid to Counties . . . . .	\$	220,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$</b>	<b>51,081,000</b>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 805. FOR THE STATE TREASURER—  
TRANSFERS**

Public Works Assistance Account: For transfer to the Flood Control Assistance Account . . . . .	\$ 4,000,000
General Fund: For transfer to the Natural Resources New Motor Vehicle Arbitration Account: For transfer to the Public Safety and Education Account . . . . .	\$ 3,200,000
Fund—Water Quality Account . . . . .	\$ 18,471,000
Water Quality Account: For transfer to the Water Pollution Revolving Fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit . . . . .	\$ 25,000,000
Water Quality Account: For transfer to the Water Right Permit Processing Account . . . . .	\$ 500,000
Trust Land Purchase Account: For transfer to the Parks Renewal and Stewardship Account . . . . .	\$ 1,304,000
General Government Special Revenue Fund—State Treasurer's Service Account: For transfer to the general fund on or before June 30, 1997, an amount up to \$7,361,000 in excess of the cash requirements of the state treasurer's service account . . . . .	\$ 7,361,000
Health Services Account: For transfer to the Public Health Services Account . . . . .	\$ 26,003,000
Public Health Services Account: For transfer to the County Public Health Account . . . . .	\$ 2,250,000
Public Works Assistance Account: For transfer to the Growth Management Planning and Environmental Review Fund . . . . .	\$ 3,000,000
Basic Health Plan Trust Account: For transfer to the General Fund—State Account (FY 1996) . . . .	\$ 2,664,778
Basic Health Plan Trust Account: For transfer to the General Fund—State Account (FY 1997) . . . .	\$ 2,664,778
Oil Spill Response Account: For transfer to the Oil Spill Administration Account . . . . .	\$ 1,718,000

**NEW SECTION. Sec. 806. FOR THE DEPARTMENT OF RETIRE-  
MENT SYSTEMS—TRANSFERS**

General Fund Appropriation: For transfer to  
the department of retirement systems expense  
fund . . . . . \$ 18,000

**NEW SECTION. Sec. 807. FOR COMMON SCHOOL CONSTRUCTION.** The sum of one hundred and ten million dollars is appropriated from the general fund to the common school construction fund for the purposes under RCW 28A.515.320.

This section 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.

**PART IX  
MISCELLANEOUS**

**NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS.** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1995-97 biennium.

**NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, costs and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and postimplementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written postimplementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the postimplementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the postimplementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committees.

**NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming,

or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

**NEW SECTION. Sec. 904. EMERGENCY FUND ALLOCATIONS.**

Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

**NEW SECTION. Sec. 905. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapter 39.96 RCW or any proper bond covenant made under law.

**NEW SECTION. Sec. 906. BOND EXPENSES.** In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 907. LEGISLATIVE FACILITIES.** Notwithstanding RCW 43.01.090, the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department



of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1995.

**NEW SECTION. Sec. 908. AGENCY RECOVERIES.** Except as otherwise provided by law, recoveries of amounts expended pursuant to an appropriation, including but not limited to, payments for material supplied or services rendered under chapter 39.34 RCW, may be expended as part of the original appropriation of the fund to which such recoveries belong, without further or additional appropriation. Such expenditures shall be subject to conditions and procedures prescribed by the director of financial management. The director may authorize expenditure with respect to recoveries accrued but not received, in accordance with generally accepted accounting principles, except that such recoveries shall not be included in revenues or expended against an appropriation for a subsequent fiscal period. This section does not apply to the repayment of loans, except for loans between state agencies.

**NEW SECTION. Sec. 909. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.** The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1995 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, 1991, and 1993 legislatures to conform state funds and accounts with generally accepted accounting principles.

**Sec. 910.** RCW 19.118.110 and 1995 c . . . s 7 (ESSB 5629) are each amended to read as follows:

A three-dollar arbitration fee shall be collected by either the new motor vehicle dealer or vehicle lessor from the consumer upon execution of a retail sale or lease agreement. The fee shall be forwarded to the department of licensing at the time of title application for deposit in the new motor vehicle arbitration account hereby created in the state treasury. Moneys in the account shall be used for the purposes of this chapter, subject to appropriation. During the 1995-97 fiscal biennium, the legislature may transfer moneys from the account to the extent that the moneys are not necessary for the purposes of this chapter.

At the end of each fiscal year, the attorney general shall prepare a report listing the annual revenue generated and the expenses incurred in implementing and operating the arbitration program under this chapter.

**Sec. 911.** RCW 41.06.150 and 1993 sp.s. c 24 s 913 and 1993 c 281 s 27 are each reenacted and amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions, with the number of names equal to six more names than there are vacancies to

be filled, such names representing applicants rated highest on eligibility lists: **PROVIDED**, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;

(3) Examinations for all positions in the competitive and noncompetitive service;

(4) Appointments;

(5) Training and career development;

(6) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;

(7) Transfers;

(8) Sick leaves and vacations;

(9) Hours of work;

(10) Layoffs when necessary and subsequent reemployment, both according to seniority;

(11) Determination of appropriate bargaining units within any agency: **PROVIDED**, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(12) Certification and decertification of exclusive bargaining representatives: **PROVIDED**, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: **PROVIDED FURTHER**, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: **PROVIDED FURTHER**, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: **AND PROVIDED FURTHER**, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues

minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position. ~~((However, beginning July 1, 1993, through June 30, 1995,))~~ The board shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW. Beginning July 1, 1995, through June 30, 1997:

(a) The board may approve the implementation of salary increases resulting from adjustments to the classification plan during the 1995-97 fiscal hiennium only if:

(i) The implementation will not result in additional net costs and the proposed implementation has been approved by the director of financial management in accordance with chapter 43.88 RCW;

(ii) The implementation will take effect on July 1, 1996, and the total net cost of all such actions approved by the board for implementation during the 1995-97 fiscal hiennium does not exceed the amounts specified by the legislature specifically for this purpose; or

(iii) The implementation is a result of emergent conditions. Emergent conditions are defined as newly mandated programs for which moneys are not appropriated, establishment of positions necessary for the preservation of the public health, safety, or general welfare, and related issues which do not exceed \$250,000 of the moneys identified in section 718(2) of this act.

(b) The board may approve the implementation of salary increases resulting from adjustments to the classification plan for implementation in the 1997-99 fiscal biennium onl if the im lementation will nopresult in additional net costs or the implementation has been approved by the legislature in the omnibus appropriations act or other legislation.

(c) The board shall approve only those salary increases resulting from adjustments to the classification plan if they are due to documented recruitment

and retention difficulties, salary compression or inversion, increased duties and responsibilities, or inequities. For these purposes, inequities are defined as similar work assigned to different job classes with a salary disparity greater than 7.5 percent.

(d) Adjustments made to the higher education hospital special pay plan are exempt from (a) through (c) of this subsection;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and that, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service. ~~((However, beginning July 1, 1993, through June 30, 1995, increment increases shall not be provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993, exceeds three thousand seven hundred fifty dollars;))~~

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency

heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(21) Assuring persons who are or have been employed in classified positions (~~(under chapter 28B.16 RCW)~~) before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

(22) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

**Sec. 912.** RCW 43.08.250 and 1993 sp.s. c 24 s 917 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. During the fiscal biennium ending June 30, (~~(+1995)~~) 1997, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, sexual assault treatment, operations of the office of administrator for the courts, and Washington state patrol criminal justice activities.

**Sec. 913.** RCW 70.47.030 and 1993 c 492 s 210 are each amended to read as follows:

(1) The basic health plan trust account is hereby established in the state treasury. Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan.

During the 1995-97 fiscal biennium, the legislature may transfer funds from the basic health plan trust account to the state general fund.

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due from or on behalf of nonsubsidized enrollees shall be deposited into the account. Funds in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of nonsubsidized enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the funds in the separate accounts created in this section or that any premiums paid either by subsidized or nonsubsidized enrollees are commingled in any way, except that the administrator may combine funds designated for administration of the plan into a single administrative account.

*\*Sec. 914. RCW 70.105D.070 and 1994 c 252 s 5 are each amended to read as follows:*

*(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.*

*(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:*

*(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;*

*(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;*

*(iii) The hazardous waste cleanup program required under this chapter;*

*(iv) State matching funds required under the federal cleanup law;*

*(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;*

*(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;*

*(vii) Hazardous materials emergency response training;*

*(viii) Water and environmental health protection and monitoring programs;*

*(ix) Programs authorized under chapter 70.146 RCW;*

*(x) A public participation program, including regional citizen advisory committees;*

*(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(d) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and*

*(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.*

*(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.*

*(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; and (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW.*

*(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.*

*(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.*

*(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed fifty thousand dollars though it may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account. During the 1995-97*

**fiscal biennium no moneys deposited into the state and local toxics control accounts may be committed to public participation grants, except in the case where public participation grants assist in the implementation of the pilot projects established pursuant to Engrossed Substitute House Bill No. 1810.**

(6) *No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.*

(7) *The department shall adopt rules for grant or loan issuance and performance.*

\*Sec. 914 was vetoed. See message at end of chapter.

Sec. 915. RCW 86.26.007 and 1993 sp.s. c 24 s 928 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the ((+1995-97)) 1997-99 fiscal biennium and each biennium thereafter the state treasurer shall transfer from the general fund to the flood control assistance account an amount of money which, when combined with money remaining in the account from the previous biennium, will equal four million dollars. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. To the extent that moneys in the flood control assistance account are not appropriated during the ((+1993-95)) 1995-97 fiscal biennium for flood control assistance, the legislature may direct their transfer to the state general fund.

**\*NEW SECTION. Sec. 916. No funding appropriated in this act shall be expended to support efforts to establish the northwest marine straits sanctuary.**

\*Sec. 916 was vetoed. See message at end of chapter.

**\*NEW SECTION. Sec. 917. No funding appropriated in this act shall be expended to establish or publish rules which exceed federal requirements for providing habitat protection for northern spotted owls.**

\*Sec. 917 was vetoed. See message at end of chapter.

Sec. 918. RCW 43.155.050 and 1993 sp.s. c 24 s 921 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. During the ((+1993-95)) 1995-97 fiscal biennium, moneys in the public works assistance account may be appropriated for transfer to the flood control assistance account to be used for flood control assistance, including grants under chapter 86.26 RCW. To the extent that moneys in the public works assistance account are not appropriated during the ((+1993-95)) 1995-97 fiscal biennium for public works or flood control assistance, the legislature may direct their transfer to the state general fund. In awarding grants under chapter 86.26 RCW, the



department of ecology shall give strong preference to local governments that have: (1) Implemented, or are in the process of implementing, an ordinance that establishes a flood plain policy that is substantially more stringent than minimum federal requirements; (2) completed a comprehensive flood control plan meeting the requirements of RCW 86.12.200; or (3) constructed, or are in the process of constructing, a system of overtopping dikes or levees that allow public access.

**Sec. 919.** RCW 69.50.520 and 1994 sp.s. c 7 s 910 are each amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(~~(5)~~)(7), 66.24.210(4), 66.24.290(3), 69.50.505(h)(1), 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 chapter 271, Laws of 1989 and chapter 7, Laws of 1994 (~~(1st)~~) sp. sess., including state incarceration costs. After July 1, 1997, at least seven and one-half percent of expenditures from the account shall be used for providing grants to community networks under chapter 70.190 RCW by the family policy council.

**Sec. 920.** RCW 70.146.020 and 1993 sp.s. c 24 s 923 are each amended to read as follows:

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

(1) "Account" means the water quality account in the state treasury.

(2) "Department" means the department of ecology.

(3) "Eligible cost" means the cost of that portion of a water pollution control facility that can be financed under this chapter excluding any portion of a facility's cost attributable to capacity that is in excess of that reasonably required to address one hundred ten percent of the applicant's needs for water pollution control existing at the time application is submitted for assistance under this chapter.

(4) "Water pollution control facility" or "facilities" means any facilities or systems for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, storm water, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to such purpose. Water pollution control facilities also include such facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers.

(5) "Water pollution control activities" means actions taken by a public body for the following purposes: (a) To prevent or mitigate pollution of underground water; (b) to control nonpoint sources of water pollution; (c) to restore the water quality of fresh water lakes; and (d) to maintain or improve water quality through

the use of water pollution control facilities or other means. During the ((1993-1995)) 1995-1997 fiscal biennium, "water pollution control activities" includes activities by state agencies to protect public drinking water supplies and sources.

(6) "Public body" means the state of Washington or any agency, county, city or town, conservation district, other political subdivision, municipal corporation, quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.

(7) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(8) "Nonpoint source water pollution" means pollution that enters any waters of the state from any dispersed water-based or land-use activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, and forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

(9) "Sole source aquifer" means the sole or principal source of public drinking water for an area designated by the administrator of the environmental protection agency pursuant to Public Law 93-523, Sec. 1424(b).

**Sec. 921.** RCW 70.146.030 and 1991 sp.s. c 13 s 61 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) The department shall present a progress report each biennium on the use of moneys from the account to the chairs of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees.

(4) During the fiscal biennium ending June 30, 1997, moneys in the account may be transferred by the legislature to the water right permit processing account.

**Sec. 922.** RCW 74.14C.065 and 1992 c 214 s 11 are each amended to read as follows:

Any federal funds made available under RCW 74.14C.060 shall be used to supplement and shall not supplant state funds to carry out the purposes of this chapter. However, during the 1995-97 fiscal biennium, federal funds made available under RCW 74.14C.060 may be used to supplant state funds to carry out the purposes of this chapter.

**Sec. 923.** RCW 79.24.580 and 1994 c 219 s 12 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects. During the fiscal biennium ending June 30, 1995, the funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock. During the fiscal biennium ending June 30, 1997, the funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock.

**NEW SECTION. Sec. 924. FISCAL YEAR EXPENDITURE LIMITS.** An agency's total general fund—state expenditures by fiscal year shall not exceed the amount approved by the office of financial management (OFM) in expenditure plans authorized under RCW 43.88.070 and 43.88.110. OFM shall ensure that these plans conform with fiscal year expenditures in the OFM budget database as updated to reflect legislative appropriations and governor's vetoes. In no case shall the state-wide total of agency allotments exceed the Initiative 601 expenditure limit. The allotments of elected officials must match the GFS fiscal year split contained in the updated OFM database.

***\*NEW SECTION. Sec. 925. Unless otherwise required by law, no moneys appropriated in this act may be expended for mandatory diversity training for state employees. No moneys appropriated in this act may be***

*expended for voluntary diversity training offered to state employees where a record is made of attendance or nonattendance or where state employees may be subject to reprimand or other disciplinary action for participating or not participating.*

\*Sec. 925 was vetoed. See message at end of chapter.

**NEW SECTION. Sec. 926.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 927.** 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. Section 807 of this act shall take effect immediately. The remainder of the act shall take effect July 1, 1995.

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Passed the House May 24, 1995.

Passed the Senate May 24, 1995.

Approved by the Governor June 16, 1995, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State June 16, 1995.

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

"I am returning herewith, without my approval as to sections 126(13); 139(4); 146 (lines 11-21); 201(3); 205(5)(d); 205(5)(e); 206(2); 206(3); 207(1)(c); 207(2)(c)(i); 207(2)(c)(iii); 219(5); 219(6); 303(2); 303(10); 308; 309(3); 311 (beginning with the word "subject" on line 20, and ending with the word "section" on line 28); 914; 916; 917; and 925, Engrossed Substitute House Bill No. 1410 entitled:



"AN ACT Relating to fiscal matters; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1995 and ending June 30, 1997;"

Engrossed Substitute House Bill No. 1410, the state operating budget, will fund public schools, colleges, universities and other important public services for the next two years. The legislature deserves great credit for working through their differences and coming to agreement on some very difficult issues. Nonetheless, I am very concerned with certain items included in this budget.

**Section 126(13), page 16, Marketplace Program (Department of Community, Trade, and Economic Development)**

This provision would require the Department of Community, Trade, and Economic Development to invest \$150,000 General Fund—State in the Marketplace program. While I believe this to be a worthwhile program, I am concerned that this level of expenditure would require reductions in other important trade activities conducted by the Department. I have asked the agency to report to me on the performance of the Marketplace program and recommend an expenditure plan for the 1995-97 Biennium.

**Section 139(4), page 24, Study the Feasibility of Rewriting Titles 82 and 84 RCW (Department of Revenue)**

This subsection directs the Department of Revenue to study the feasibility of rewriting Titles 82 and 84 RCW "for clarity and ease of understanding" and report its findings to the legislature in the 1996 session. The Department did not, however, receive "sufficient funds" to conduct this study, as stated in this provision. While both the Department and I think this is a very important project and goal, it is unreasonable to expect the Department to undertake this additional task along with the other increased responsibilities mandated by regulatory reform, without funding for this purpose.

**Section 146, lines 11-21, page 27, Certified Public Accountants' Account (Board of Accountancy)**

This section requires the Board of Accountancy to spend \$50,000 of the Certified Public Accountants' appropriation to study the financial and enrollment impact of a Board proposal to increase the educational requirements for CPA certification. The Board of Accountancy proposed the new requirements to keep Washington accountants competitive and properly educated. While that proposal has merit, I share the legislature's concern that imposing additional educational requirements on students seeking to qualify for professional certification will cost students and the state additional money and potentially reduce access to higher education. The budget proviso prohibits the Board from implementing the proposed rule until a study is completed of its likely effect on public and private higher education institutions and presented to the higher education and fiscal committees of the legislature. The study is to be conducted in cooperation with the Higher Education Coordinating Board (HECB).

While I agree with the intent of this proviso, I am vetoing it because the required study will not cost \$50,000. The HECB estimates that the study can be done for about \$20,000. The amount not spent on the study can be used for giving CPA exams. Because I think the study is important, I will ask the Board of Accountancy to delay implementation of the increased educational requirements until the HECB and the Board of Accountancy complete a study of the financial and enrollment impact of the proposed changes to CPA certification requirements. The study should provide the legislature and Board of Accountancy with objective information regarding costs and enrollments associated with this important decision.

**Section 201(3), page 30, Special Authorization for Prescription Drugs and Medications (Department of Social and Health Services)**

This subsection prohibits the Department of Social and Health Services (DSHS) from requiring special authorization before prescription drugs and medications can be prescribed to Medicaid eligible recipients for non-medical reasons. This language would limit the state's ability to curb the growth of health care costs, while also causing serious problems for those charged with ensuring that medications with high risk of abuse and misuse are distributed appropriately. Retaining the ability to require authorization for certain drugs will help control costs and is an important tool in preventing drug abuse.

I believe the original intent of this proviso was to terminate the Washington State Supplemental Drug Discount (WSSDD) program. However, this goal is achieved in section 209(6) of this act, which I have approved. Therefore, as of July 1, 1995, the Supplemental Drug Discount Program is discontinued.

**Section 205(5)(d), pages 37 and 38, Out of Home Services (Department of Social and Health Services, Developmental Disabilities)**

This section requires DSHS to serve an additional 150 persons in out-of-home community residential care during the 1995-97 Biennium, with service priority given to those currently residing with elderly parents or relatives. The provision of expanded services at a reduced cost is a laudable goal; in fact, my budget included a similar expectation. However, the stipulation that these services must be "out-of-home" conflicts with parental choice and personal preferences. I am vetoing this section; however, I am directing the Department to provide either out-of-home or in-home community residential services to at least 150 additional persons, with due consideration given to personal and family choices and priority given to those residing with elderly parents or relatives.

**Section 205(5)(e), page 38, and Section 206(2), page 39, Medicaid Personal Care Services (Department of Social and Health Services; Developmental Disabilities, and Aging and Adult Services Administration)**

These sections attempt to control growth in the Medicaid Personal Care program through adjustments to eligibility standards and service levels. While I agree that Personal Care growth must be managed, the Department must take a more flexible and coordinated approach than limiting expenditures within individual programs. The Department is unable to adjust eligibility criteria within one program without affecting clients and services in another program. Section 205(5)(f) of the operating budget bill requires DSHS to evaluate the feasibility of redesigning the Medicaid Personal Care program for the developmental disabilities community. This study should provide the Department and the legislature with enough information to generate viable options in addressing the future of the Personal Care program.

**Sections 206(3), page 39, Community Options Program Entry System (Department of Social and Health Services, Aging and Adult Services Administration)**

This section limits growth in the Community Options Program Entry System (COPES) through adjustments to eligibility standards and service levels or the terms of the federal waiver. This proviso would limit the Department's ability to implement the reforms of the Long Term Care system embodied in E2SHB 1908. Furthermore, adjusting the eligibility standards within COPES would similarly affect the rules for eligibility within nursing homes.

**Section 207(1)(c), page 40, General Assistance for Pregnancy Program (Department of Social and Health Services, Economic Services)**

This proviso limits the General Assistance for Pregnancy program (GA-S) to \$7.7 million as specified in RCW 74.04.005 as amended by Substitute House Bill No. 2083. This bill was not approved by the legislature and the proviso alone, without statutory change, offers neither sufficient specificity nor legal authority to limit program eligibility. Therefore, the Department of Social and Health Services will continue to provide assistance to all eligible pregnant women as specified in current statute.

**Section 207(2)(c)(i) and (iii), page 41, Systematic Alien Verification for Entitlements System (SAVE) (Department of Social and Health Services, Economic Services Program)**

These subsections require DSHS to reinstate the Systematic Alien Verification for Entitlements System (SAVE) program by September 30, 1995. There is also a requirement to post signs at every community service office letting applicants and recipients know that illegal aliens will be reported to the United States Immigration and Naturalization Services and that SAVE is in use in the office. The Department's past experience with the SAVE program has established that it is an inefficient and costly method of identifying fraudulent applications for assistance. The federal government has also come to the conclusion that the SAVE program costs twice as much as is saved.

This administration in no way supports granting benefits to persons who are not eligible for assistance. The Department has effective mechanisms currently in place to ensure that benefits are delivered to those truly in need, and not to those who are intent on defrauding the state.

**Section 219 (5), page 50, Claims Unit for State Employees (Department of Labor and Industries)**

Section 219(5) directs the Department of Labor and Industries (L&I) to report to the appropriate policy and fiscal committees of the legislature with a plan for establishing within existing resources a designated claims unit to specialize in claims by state employees.

This proviso is in conflict with the agency's efforts to decentralize claims management. The agency has just started to implement the Long-Term Disability and Managed Care pilot projects as directed by the legislature. The results from these two pilot projects will be used to improve the Department's overall claims programs.

Additionally, creating a claims unit for state employees would foster a perception that a worker's compensation program managed by state government is planning to give special preference to government agencies at the expense of private industry ratepayers. I believe that any improvements made to the claims program should benefit all workers and employers, not just state employees.

**Section 219(6), page 50, Regulatory Reform (Department of Labor and Industries)**

Section 219(6) prohibits L&I from spending its appropriated funds to implement rules that do not comply with the Regulatory Fairness Act under RCW 19.85 or that have been determined by the Joint Administrative Rules Review Committee to be outside of legislative intent.

As with section 504 of ESHB 1010, which I just recently vetoed, this proviso is unconstitutional. It violates the state constitutional provisions requiring legislative acts to be passed by the entire legislature with presentment to the Governor for approval. By restricting funds for rule enforcement and ignoring the statutory judicial review process, this proviso violates the separation of power doctrine by unduly encroaching upon those constitutional powers reserved for the executive and judicial branches of government.

**Section 303(2), page 59, Water Rights Claims Filing (Department of Ecology)**

Section 303(2) provides funding for the implementation of SHB 1327, which was not passed by the legislature. I am directing the Department of Ecology to use these funds for the Water Resources program.

**Section 303(10), page 61, Yakima Adjudication (Department of Ecology)**

Section 303(10) provides an additional \$500,000 from the Water Right Permit Processing Account for additional staff and resources for the Yakima adjudication of water rights. Although I recognize the importance of the Yakima adjudication, there are

currently \$1,854,000 in General Fund—State resources devoted to this effort. The Department was provided woefully inadequate resources to address critical water quantity issues throughout the state. Therefore, I am directing the Department of Ecology to use \$500,000 of the Water Right Permit Processing Account for the Water Resources program. The remaining \$1,854,000 of the General Fund—State appropriation shall be used to continue the Yakima Adjudication.

**Section 308, page 63-64, Office of Marine Safety**

I am vetoing this section because funding for the Office of Marine Safety (OMS) has been included in the transportation budget. The transportation budget, 2ESHB 2080, contains statutory language that would merge OMS into the Department of Ecology (DOE) on January 1, 1996. In accordance with that merger, the transportation budget provides funding for OMS from July 1, 1995 through December 31, 1995 and funding for the Department of Ecology to sustain the merged oil spill prevention program for the remainder of the biennium.

Although the OMS will be merged into DOE, I am committed to maintaining a strong and viable program aimed at preventing oil spills on our marine waters. I support maintaining a high level, visible and priority focus on these issues through a division of oil spill prevention and response at the Department of Ecology. Moreover, I am committed to ensuring that full funding be available for the program, pending legislative remedy, should any situation arise placing appropriations for this program in jeopardy.

**Section 309(3), page 64, Flood Damage Reduction (Department of Fish and Wildlife)**

This appropriation to the Department of Fish and Wildlife is for the implementation of E2SSB 5632 regarding flood damage reduction. Although I have signed this legislation, I have vetoed the sections for which this funding was intended. Since no additional funding was provided to the Department for this activity, I am vetoing this budget proviso.

**Section 311, beginning with the word "subject" on line 20 and ending with the word "section" on line 28, page 69, Resource Management (Department of Natural Resources)**

The limiting language in this section places a condition upon the Department of Natural Resources' (DNR) appropriation from the Resource Management Cost Account (RMCA) that prohibits the agency from expending any moneys, from any source, to implement a long-term management agreement with the federal government such as a Habitat Conservation Plan (HCP), without a specific appropriation for that purpose and a prior report to the legislative committees on natural resources. Although requiring a report is a proper legislative prerogative, this language constrains the vast majority of the agency's RMCA appropriation, which supports the preponderance of agency activities upon state trust land. Expenditures from this account should not be dependent upon what the agency does or does not do with respect to just one of those activities, such as implementation of a long-term management agreement with the federal government. An HCP is an important tool that can be used to protect species while allowing predictable and stable timber harvest on state trust lands. This limiting condition presents an overly broad constraint upon an agency's operations.

**Section 914, pages 138-140, Prohibition on the Use of Toxics Control Accounts for Public Participation Grants (Department of Ecology)**

This section prohibits the expenditure of funds for public participation grants, except for those assisting in the implementation of ESHB 1810. I am vetoing this section because I believe it is important to maintain public financial support for non-governmental entities engaged in local environmental projects. This program has proven its value in sustaining citizen oversight activities at sites ranging from the Hanford and Commencement Bay cleanups to the Everett Smelter site. It also provides funding for industry associations to educate their members about pollution prevention and waste reduction

practices. In restoring funds for public participation grants, I want to ensure that citizens continue to have a strong voice in this era of changing environmental challenges.

**Section 916, page 141, Prohibition on Expenditures for the Northwest Marine Straits Sanctuary**

In 1988, Congress directed the National Oceanographic and Atmospheric Agency (NOAA) to conduct a study on whether the Northwest Straits area of Washington should be considered for inclusion in the federal Marine Sanctuary program. The state has insisted that it be an equal partner with NOAA in any such study, in part to ensure that the interests of those in the study area are included in the process. This study is long overdue and the state and NOAA are now working closely in this study process. A study on feasibility and options is quite distinct from any decision to include the Northwest Straits in the Marine Sanctuary program. The study should be allowed to move forward. The state's role in participating in this process is essential and for this reason I am vetoing section 916.

**Section 917, page 141, Rules for Spotted Owl Protection**

This section prevents any state agency from spending any funds appropriated in this act to establish or publish rules that exceed federal requirements for habitat protection for northern spotted owls. This limitation would prevent the Forest Practices Board or the Board of Natural Resources from taking legitimate actions that they may deem appropriate for the protection of owls or other species. If the Legislature wishes to prohibit either the Forest Practices Board or the Board of Natural Resources from taking such action, it should provide such instruction directly. Limiting action through the budget bill is not appropriate.

**Section 925, page 145, Mandatory Diversity Training Prohibition**

This section prohibits the use of appropriated funds for mandatory diversity training of state employees. This prohibition is inconsistent with the tenets of my Executive Order 93-07 in that it fails to recognize the reality of today's increasingly diverse workforce, clientele and population and the corresponding training needs and requirements. As an employer, Washington State is responsible for ensuring that our employees have the necessary training to do their jobs. This provision would present serious obstacles to agencies' ability to carry out essential human resource management obligations.

In addition to noting those provisions I have vetoed, I would like to comment on a troubling provision I have determined appropriate to approve. Section 209(16) of this bill authorizes the Department of Social and Health Services to provide no more than five chiropractic service visits per person per year for those eligible recipients with acute conditions. This language is troubling in that the legislature provided no additional funding to the Department for chiropractic services. Moreover, this proviso appears to be in conflict with federal statutes which do not permit states to impose such specific limits on services.

I have decided to not veto this language because I do not wish to definitely preclude DSHS from offering chiropractic services to eligible recipients. However, I feel there needs to be work done to clarify several issues. I am directing the Department of Social and Health Services to work with chiropractors and other medical providers to develop an approach which would provide cost-effective chiropractic services for medical assistance recipients. I would like the results of this study by December 1995 so, if necessary, additional funding could be provided by the 1996 Legislature.

For these reasons, I have vetoed sections 126(13); 139(4); 146 (lines 11-21); 201(3); 205(5)(d); 205(5)(e); 206(2); 206(3); 207(1)(c); 207(2)(c)(i); 207(2)(c)(iii); 219(5); 219(6); 303(2); 303(10); 308; 309(3); 311 (beginning with the word "subject" on line 20, and ending with the word "section" on line 28); 914; 916; 917; and 925 of Engrossed Substitute House Bill No. 1410.

With the exception of sections 126(13); 139(4); 146 (lines 11-21); 201(3); 205(5)(d); 205(5)(e); 206(2); 206(3); 207(1)(c); 207(2)(c)(i); 207(2)(c)(iii); 219(5); 219(6); 303(2); 303(10); 308; 309(3); 311 (beginning with the word "subject" on line 20, and ending with the word "section" on line 28); 914; 916; 917; and 925, Engrossed Substitute House Bill No. 1410 is approved."

## CHAPTER 19

[Third Engrossed Substitute House Bill 1317]

### TRANSPORTATION SYSTEMS AND FACILITIES

AN ACT Relating to transportation systems and facilities; amending RCW 47.46.010, 47.46.030, 47.46.040, and 47.46.050; and declaring an emergency.

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

**Sec. 1.** RCW 47.46.010 and 1993 c 370 s 1 are each amended to read as follows:

The legislature finds and declares:

It is essential for the economic, social, and environmental well-being of the state and the maintenance of a high quality of life that the people of the state have an efficient transportation system.

The ability of the state to provide an efficient transportation system will be enhanced by a public-private sector program providing for private entities to undertake all or a portion of the study, planning, design, development, financing, acquisition, installation, construction or improvement, operation, and maintenance of transportation systems and facility projects.

A public-private initiatives program will provide benefits to both the public and private sectors. Public-private initiatives provide a sound economic investment opportunity for the private sector. Such initiatives will provide the state with increased access to property development and project opportunities, financial and development expertise, and will supplement state transportation revenues, allowing the state to use its limited resources for other needed projects.

The public-private initiatives program, to the fullest extent possible, should encourage and promote business and employment opportunities for Washington state citizens.

The public-private initiatives program (~~should~~) shall be implemented in cooperation (~~and~~), consultation ((with)), and with the support of the affected communities and local jurisdictions.

The secretary of transportation should be permitted and encouraged to test the feasibility of building privately funded transportation systems and facilities or segments thereof through the use of innovative agreements with the private sector. The secretary of transportation should be vested with the authority to solicit, evaluate, negotiate, and administer public-private agreements with the private sector relating to the planning, construction, upgrading, or reconstruction of transportation systems and facilities.

Agreements negotiated under a public-private initiatives program will not bestow on private entities an immediate right to construct and operate the

proposed transportation facilities. Rather, agreements will grant to private entities the opportunity to design the proposed facilities, demonstrate public support for proposed facilities, and complete the planning processes required in order to obtain a future decision by the department of transportation and other state and local lead agencies on whether the facilities should be permitted and built.

Agreements negotiated under the public-private initiatives program should establish the conditions under which the private developer may secure the approval necessary to develop and operate the proposed transportation facilities; create a framework to attract the private capital necessary to finance their development; ensure that the transportation facilities will be designed, constructed, and operated in accordance with applicable local, regional, state, and federal laws and the applicable standards and policies of the department of transportation; and require a demonstration that the proposed transportation facility has the support of the affected communities and local jurisdictions.

The legislature finds that the Puget Sound congestion pricing project, selected under this chapter, raises major transportation policy, economic, and equity concerns. These relate to the integrity of the state's high-occupancy vehicle program; the cost-effective movement of freight and goods; the diversion of traffic to local streets and arterials; and possible financial hardship to commuters. The legislature further finds that these potential economic and social impacts require comprehensive legislative review prior to advancement of the project and directs that the secretary not proceed with the implementation of the project without prior approval of the legislature.

The department of transportation should be encouraged to take advantage of new opportunities provided by federal legislation under section 1012 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). That section establishes a new program authorizing federal participation in construction or improvement or improvement of publicly or privately owned toll roads, bridges, and tunnels, and allows states to leverage available federal funds as a means for attracting private sector capital.

**Sec. 2.** RCW 47.46.030 and 1993 c 370 s 3 are each amended to read as follows:

(1) The secretary or a designee shall solicit proposals from, and negotiate and enter into agreements with, private entities to undertake as appropriate, together with the department and other public entities, all or a portion of the study, planning, design, construction, operation, and maintenance of transportation systems and facilities, using in whole or in part private sources of financing.

The public-private initiatives program may develop up to six demonstration projects. Each proposal shall be weighed on its own merits, and each of the six agreements shall be negotiated individually, and as a stand-alone project. ~~((The commission shall approve each of the selected projects.~~

~~Proposals and demonstration projects may be selected by the public and private sectors at their discretion. All projects designed, constructed, and~~

~~operated under this authority must comply with all applicable rules and statutes in existence at the time the agreement is executed, including but not limited to the following provisions: Chapter 39.12 RCW, this title, RCW 41.06.380, chapter 47.64 RCW, RCW 49.60.180, and 49 C.F.R. Part 21.~~

~~The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.))~~

(2) If project proposals selected prior to September 1, 1994, are terminated by the public or private sectors, the department shall not select any new projects, including project proposals submitted to the department prior to September 1, 1994, and designated by the transportation commission as placeholder projects, after the effective date of this act, until June 30, 1997.

The department, in consultation with the legislative transportation committee, shall conduct a program and fiscal audit of the public-private initiatives program for the biennium ending June 30, 1997. The department shall submit a progress report to the legislative transportation committee on the program and fiscal audit by June 30, 1996, with preliminary and final audit reports due December 1, 1996, and June 30, 1997, respectively.

The department shall develop and submit a proposed public involvement plan to the 1997 legislature to identify the process for selecting new potential projects and the associated costs of implementing the plan. The legislature must adopt the public involvement plan before the department may proceed with any activity related to project identification and selection. Following legislative adoption of the public involvement plan, the department is authorized to implement the plan and to identify potential new projects.

The public involvement plan for projects selected after June 30, 1997, shall, at a minimum, identify projects that: (a) Have the potential of achieving overall public support among users of the projects, residents of communities in the vicinity of the projects, and residents of communities impacted by the projects; (b) meet a state transportation need; (c) provide a significant state benefit; and (d) provide competition among proposers and maximum cost benefits to users. Prospective projects may include projects identified by the department or submitted by the private sector.

Projects that meet the minimum criteria established under this section and the requirements of the public involvement plan developed by the department and approved by the legislature shall be submitted to the Washington state transportation commission for its review. The commission, in turn, shall submit a list of eligible projects to the legislative transportation committee for its consideration. Forty-five days after the submission to the legislative transportation committee of the list of eligible projects, the secretary is authorized to solicit proposals for the eligible project.

(3) Prior to entering into agreements with private entities under the requirements of RCW 47.46.040 for any project proposal selected before September 1, 1994, or after June 30, 1997, except as provided for in subsections



(10) and (11) of this section, the department shall require an advisory vote as provided under subsections (4) through (9) of this section.

(4) In preparing for the advisory vote, the department shall conduct a comprehensive analysis of traffic patterns and economic impact to define the geographical boundary of the project area that is affected by the imposition of tolls or user fees authorized under this chapter. The area so defined is referred to in this section as the affected project area. In defining the affected project area, the department shall, at a minimum, undertake: (a) A comparison of the estimated percentage of residents of communities in the vicinity of the project and in other communities impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (b) an analysis of the anticipated traffic diversion patterns; (c) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and commercial entities in communities in the vicinity of and impacted by the project; (d) an analysis of the economic impact of tolls or user fees on the price of goods and services generally; and (e) an analysis of the relationship of the project to state transportation needs and benefits.

(5)(a) After determining the definition of the affected project area, the department shall establish a committee comprised of individuals who represent cities and counties in the affected project area; organizations formed to support or oppose the project; and users of the project. The committee shall be named the public-private local involvement committee, and be known as the local involvement committee.

(b) The members of the local involvement committee shall be: (i) An elected official from each city within the affected project area; (ii) an elected official from each county within the affected project area; (iii) two persons from each county within the affected project area who represent an organization formed in support of the project, if the organization exists; (iv) two persons from each county within the affected project area who represent an organization formed to oppose the project, if the organization exists; and (v) four public members active in a state-wide transportation organization. If the committee makeup results in an even number of committee members, there shall be an additional appointment of an elected official from the county in which all, or the greatest portion of the project is located.

(c) City and county elected officials shall be appointed by a majority of the members of the city or county legislative authorities of each city or county within the affected project area, respectively. The county legislative authority of each county within the affected project area shall identify and validate organizations officially formed in support of or in opposition to the project and shall make the appointments required under this section from a list submitted by the chair of the organizations. Public members shall be appointed by the governor. All appointments to the local involvement committee shall be made and submitted to the department of transportation no later than January 1, 1996,

for projects selected prior to September 1, 1994, and no later than thirty days after the affected project area is defined for projects selected after June 30, 1997. Vacancies in the membership of the local involvement committee shall be filled by the appointing authority under (b)(i) through (v) of this subsection for each position on the committee.

(d) The local involvement committee shall serve in an advisory capacity to the department on all matters related to the execution of the advisory vote.

(e) Members of the local involvement committee serve without compensation and may not receive subsistence, lodging expenses, or travel expenses.

(6) The department shall conduct a minimum thirty-day public comment period on the definition of the geographical boundary of the project area. The department, in consultation with the local involvement committee, shall make adjustments, if required, to the definition of the geographical boundary of the affected project area, based on comments received from the public. Within fourteen calendar days after the public comment period, the department shall set the boundaries of the affected project area in units no smaller than a precinct as defined in RCW 29.01.120.

(7) The department, in consultation with the local involvement committee, shall develop a description for selected project proposals. After developing the description of the project proposal, the department shall publish the project proposal description in newspapers of general circulation for seven calendar days in the affected project area. Within fourteen calendar days after the last day of the publication of the project proposal description, the department shall transmit a copy of the map depicting the affected project area and the description of the project proposal to the county auditor of the county in which any portion of the affected project area is located.

(8) The department shall provide the legislative transportation committee with progress reports on the status of the definition of the affected project area and the description of the project proposal.

(9) Upon receipt of the map and the description of the project proposal, the county auditor shall, within thirty days, verify the precincts that are located within the affected project area. The county auditor shall prepare the text identifying and describing the affected project area and the project proposal using the definition of the geographical boundary of the affected project area and the project description submitted by the department and shall set an election date for the submission of a ballot proposition authorizing the imposition of tolls or user fees to implement the proposed project within the affected project area, which date may be the next succeeding general election to be held in the state, or at a special election, if requested by the department. The text of the project proposal must appear in a voter's pamphlet for the affected project area. The department shall pay the costs of publication and distribution. The special election date must be the next date for a special election provided under RCW 29.13.020 that is at least sixty days but, if authorized under RCW 29.13.020, no more than ninety

days after the receipt of the final map and project description by the auditor. The department shall pay the cost of an election held under this section.

(10) Subsections (4) through (9) of this section shall not apply to project proposals selected prior to September 1, 1994, that have no organized public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project, collected and submitted after September 1, 1994, and by thirty calendar days after the effective date of this act.

(11) Subsections (4) through (9) of this section shall not apply to project proposals selected after June 30, 1997, that have no organized public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project, collected and submitted by ninety calendar days after project selection.

Sec. 3. RCW 47.46.040 and 1993 c 370 s 4 are each amended to read as follows:

(1) All projects designed, constructed, and operated under this authority must comply with all applicable rules and statutes in existence at the time the agreement is executed, including but not limited to the following provisions: Chapter 39.12 RCW, this title, RCW 41.06.380, chapter 47.64 RCW, RCW 49.60.180, and 49 C.F.R. Part 21.

(2) The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.

(3) Agreements shall provide for private ownership of the projects during the construction period. After completion and final acceptance of each project or discrete segment thereof, the agreement shall provide for state ownership of the transportation systems and facilities and lease to the private entity unless the state elects to provide for ownership of the facility by the private entity during the term of the agreement.

The state shall lease each of the demonstration projects, or applicable project segments, to the private entities for operating purposes for up to fifty years.

(4) The department may exercise any power possessed by it to facilitate the development, construction, financing operation, and maintenance of transportation projects under this chapter. Agreements for maintenance services entered into under this section shall provide for full reimbursement for services rendered by the department or other state agencies. Agreements for police services for projects, involving state highway routes, developed under ~~((the agreement may))~~ agreements shall be entered into with ~~((any qualified law enforcement agency, and shall provide for full reimbursement for services rendered by that agency))~~ the Washington state patrol. The agreement for police services shall provide that the state patrol will be reimbursed for costs on a comparable basis with the costs incurred for comparable service on other state highway routes. The department may provide services for which it is reimbursed, including but not limited to

preliminary planning, environmental certification, and preliminary design of the demonstration projects.

(5) The plans and specifications for each project constructed under this section shall comply with the department's standards for state projects. A facility constructed by and leased to a private entity is deemed to be a part of the state highway system for purposes of identification, maintenance, and enforcement of traffic laws and for the purposes of applicable sections of this title. Upon reversion of the facility to the state, the project must meet all applicable state standards. Agreements shall address responsibility for reconstruction or renovations that are required in order for a facility to meet all applicable state standards upon reversion of the facility to the state.

(6) For the purpose of facilitating these projects and to assist the private entity in the financing, development, construction, and operation of the transportation systems and facilities, the agreements may include provisions for the department to exercise its authority, including the lease of facilities, rights of way, and airspace, exercise of the power of eminent domain, granting of development rights and opportunities, granting of necessary easements and rights of access, issuance of permits and other authorizations, protection from competition, remedies in the event of default of either of the parties, granting of contractual and real property rights, liability during construction and the term of the lease, authority to negotiate acquisition of rights of way in excess of appraised value, and any other provision deemed necessary by the secretary.

(7) The agreements entered into under this section may include provisions authorizing the state to grant necessary easements and lease to a private entity existing rights of way or rights of way subsequently acquired with public or private financing. The agreements may also include provisions to lease to the entity airspace above or below the right of way associated or to be associated with the private entity's transportation facility. In consideration for the reversion rights in these privately constructed facilities, the department may negotiate a charge for the lease of airspace rights during the term of the agreement for a period not to exceed fifty years. If, after the expiration of this period, the department continues to lease these airspace rights to the private entity, it shall do so only at fair market value. The agreement may also provide the private entity the right of first refusal to undertake projects utilizing airspace owned by the state in the vicinity of the public-private project.

(8) Agreements under this section may include any contractual provision that is necessary to protect the project revenues required to repay the costs incurred to study, plan, design, finance, acquire, build, install, operate, enforce laws, and maintain toll highways, bridges, and tunnels and which will not unreasonably inhibit or prohibit the development of additional public transportation systems and facilities. Agreements under this section must secure and maintain liability insurance coverage in amounts appropriate to protect the project's viability and may address state indemnification of the private entity for design and construction liability where the state has approved relevant design and construction plans.

(9) Agreements shall include a process that provides for public involvement in decision making with respect to the development of the projects.

(10)(a) In carrying out the public involvement process required in subsection (9) of this section, the private entity shall proactively seek public participation through a process appropriate to the characteristics of the project that assesses and demonstrates public support among: Users of the project, residents of communities in the vicinity of the project, and residents of communities impacted by the project.

(b) The private entity shall conduct a comprehensive public involvement process that provides, periodically throughout the development and implementation of the project, users and residents of communities in the affected project area an opportunity to comment upon key issues regarding the project including, but not limited to: (i) Alternative sizes and scopes; (ii) design; (iii) environmental assessment; (iv) right of way and access plans; (v) traffic impacts; (vi) tolling or user fee strategies and tolling or user fee ranges; (vii) project cost; (viii) construction impacts; (ix) facility operation; and (x) any other salient characteristics.

(c) If the affected project area has not been defined, the private entity shall define the affected project area by conducting, at a minimum: (i) A comparison of the estimated percentage of residents of communities in the vicinity of the project and in other communities impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (ii) an analysis of the anticipated traffic diversion patterns; (iii) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic and commercial entities in communities in the vicinity of and impacted by the project; (iv) an analysis of the economic impact of tolls or user fees on the price of goods and services generally; and (v) an analysis of the relationship of the project to state transportation needs and benefits.

The agreement may require an advisory vote by users of and residents in the affected project area.

(d) In seeking public participation, the private entity shall establish a local involvement committee or committees comprised of residents of the affected project area, individuals who represent cities and counties in the affected project area, organizations formed to support or oppose the project, if such organizations exist, and users of the project. The private entity shall, at a minimum, establish a committee as required under the specifications of RCW 47.46.030(5)(b) (ii) and (iii) and appointments to such committee shall be made no later than thirty days after the project area is defined.

(e) Local involvement committees shall act in an advisory capacity to the department and the private entity on all issues related to the development and implementation of the public involvement process established under this section.

(f) The department and the private entity shall provide the legislative transportation committee and local involvement committees with progress reports

on the status of the public involvement process including the results of an advisory vote, if any occurs.

(1) Nothing in this chapter limits the right of the secretary and his or her agents to render such advice and to make such recommendations as they deem to be in the best interests of the state and the public.

Sec. 4. RCW 47.46.050 and 1993 c 370 s 5 are each amended to read as follows:

(1) The department may enter into agreements using federal, state, and local financing in connection with the projects, including without limitation, grants, loans, and other measures authorized by section 1012 of ISTEA, and to do such things as necessary and desirable to maximize the funding and financing, including the formation of a revolving loan fund to implement this section.

(2) Agreements entered into under this section shall authorize the private entity to lease the facilities within a designated area or areas from the state and to impose user fees or tolls within the designated area to allow a reasonable rate of return on investment, as established through a negotiated agreement between the state and the private entity. The negotiated agreement shall determine a maximum rate of return on investment, based on project characteristics. If the negotiated rate of return on investment is not affected, the private entity may establish and modify toll rates and user fees.

(3) Agreements may establish "incentive" rates of return beyond the negotiated maximum rate of return on investment. The incentive rates of return shall be designed to provide financial benefits to the affected public jurisdictions and the private entity, given the attainment of various safety, performance, or transportation demand management goals. The incentive rates of return shall be negotiated in the agreement.

(4) Agreements shall require that over the term of the ownership or lease the user fees or toll revenues be applied only to payment of the private entity's capital outlay costs for the project, including project development costs, interest expense, the costs associated with design, construction, operations, toll collection, maintenance and administration of the ~~((facility))~~ project, reimbursement to the state for all costs associated with an election as required under RCW 47.46.030, the costs of project review and oversight, technical and law enforcement services, establishment of a fund to assure the adequacy of maintenance expenditures, and a reasonable return on investment to the private entity. ~~((The use of any excess toll revenues or user fees may be negotiated between the parties.~~

~~After expiration of the lease of a facility to a private entity, the secretary may continue to charge user fees or tolls for the use of the facility, with these revenues to be used for operations and maintenance of the facility, or to be paid to the local transportation planning agency, or any combination of such uses.))~~  
A negotiated agreement shall not extend the term of the ownership or lease beyond the period of time required for payment of the private entity's capital outlay costs for the project under this subsection.

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 May 24, 1995.

Passed the Senate May 24, 1995.

Approved by the Governor June 16, 1995.

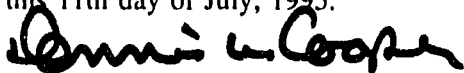
Filed in Office of Secretary of State June 15, 1995.

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### AUTHENTICATION

I, Dennis W. Cooper, Code Reviser of the State of Washington, certify that, with the exception of such corrections as I have made in accordance with the powers vested in me by 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 1995 regular, first, and second special sessions (54th Legislature), chapters 337 through 403, 1 through 20, and 1 through 19, respectively, as certified and transmitted to the Statute Law Committee by the Secretary of State under RCW 44.20.020.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Olympia, Washington, this 11th day of July, 1995.

A handwritten signature in black ink, appearing to read "Dennis W. Cooper". The signature is written in a cursive, flowing style.

DENNIS W. COOPER  
Code Reviser



PROPOSED CONSTITUTIONAL AMENDMENTS, 1995 SSJR 8210

PROPOSED CONSTITUTIONAL AMENDMENT  
ADOPTED AT THE 1995 REGULAR SESSION  
FOR SUBMISSION TO THE VOTERS  
AT THE STATE GENERAL ELECTION, NOVEMBER 1995

SUBSTITUTE SENATE JOINT RESOLUTION 8210

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 IV, section 3 of the Constitution of the state of Washington to read as follows:

Article IV, section 3. The judges of the supreme court shall be elected by the qualified electors of the state at large at the general state election at the times and places at which state officers are elected, unless some other time be provided by the legislature. The first election of judges of the supreme court shall be at the election which shall be held upon the adoption of this Constitution and the judges elected thereat shall be classified by lot, so that two shall hold their office for the term of three years, two for the term of five years, and one for the term of seven years. The lot shall be drawn by the judges who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the secretary of state, and filed in his office. ~~The ((judge having the shortest term to serve not holding his office by appointment or election to fill a vacancy, shall be))~~ supreme court shall select a chief justice from its own membership to serve for a four-year term at the pleasure of a majority of the court as prescribed by supreme court rule. The chief justice~~((, and))~~ shall preside at all sessions of the supreme court~~((, and in case there shall be two judges having in like manner the same short term, the other judges of the supreme court shall determine which of them shall be chief justice))~~. In case of the absence of the chief justice, the ~~((judge having in like manner the shortest or next shortest term to serve shall preside))~~ majority of the remaining court shall select one of their members to serve as acting chief justice. After the first election the terms of judges elected shall be six years from and after the second Monday in January next succeeding their election. If a vacancy occur in the office of a judge of the supreme court the governor shall only appoint a person to ensure the number of judges as specified by the legislature, to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold the office for the remainder of the unexpired term. The term of office of the judges of the supreme court, first elected, shall commence as soon as the state shall have been admitted into the Union, and continue for the term herein provided, and until

**SSJR 8210 PROPOSED CONSTITUTIONAL AMENDMENTS, 1995**

their successors are elected and qualified. The sessions of the supreme court shall be held at the seat of government until otherwise provided by law.

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 Senate March 9, 1995.

Passed the House April 13, 1995.

Filed in Office of Secretary of State April 18, 1995.

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# INDEX AND TABLES

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**BILL NO. TO CHAPTER NO. OF 1995 STATUTES**

Number		Chapter Number Laws of 1995		Number	Chapter Number Laws of 1995	
Init	159	129		SSB	5164	73
Init	164	98		SB	5165	74
Init	607	1		SSB	5166	75
<b>SENATE</b>						
2ESSB	5000	13	E2	ESSB	5169	335
2ESSB	5001	8	E1	SSB	5182	193
2SSB	5003	365		SSB	5183	194
ESB	5011	366		ESSB	5190	373
SSB	5012	228		SB	5200	128
SSB	5017	227		2ESSB	5201	3
ESB	5019	190	PV	SSB	5209	131
SSB	5022	16		SSB	5214	76
SB	5027	17		ESSB	5219	246
SB	5029	191		SSB	5222	26
SB	5038	2		SSB	5234	40
SB	5039	156		2SSB	5235	117
SSB	5040	37		SB	5239	195
SB	5042	21		ESB	5243	41
SB	5043	71		ESSB	5244	401
SB	5046	22		SB	5251	42
SB	5052	23		ESSB	5253	43
SB	5060	157		SB	5266	27
E2SSB	5064	367	PV	SB	5267	158
SSB	5067	24		ESB	5269	4
SB	5075	115		SB	5274	28
SB	5078	72		SB	5275	196
SB	5083	25		ESB	5276	77
SSB	5084	215		SSB	5278	44
2SSB	5088	216		SSB	5279	18
SSB	5089	243		SB	5282	197
SSB	5092	368		SB	5287	217
ESSB	5093	369	PV	SB	5292	247
SB	5098	38		SB	5294	45
ESSB	5101	116		SSB	5308	198
ESSB	5103	1	E1	SSB	5315	374
SSB	5106	370		ESSB	5325	9
SSB	5118	244		SSB	5326	248
SSB	5119	345		SB	5330	29
SB	5120	245		SB	5332	46
ESSB	5121	371	PV	SSB	5333	307
SSB	5127	396		SSB	5334	47
SSB	5129	39	PV	SSB	5335	48
SSB	5141	332		E2SSB	5342	226
SB	5142	192		SB	5351	49
SSB	5155	333		SB	5355	78
2SSB	5157	372		SSB	5364	15
SSB	5162	349		SSB	5365	336
				SSB	5367	50
				SB	5369	79

"PV" Denotes partial veto by Governor [ 2907 ]

"E1" Denotes 1995 1st special sess.  
"E2" Denotes 1995 2nd special sess.

**BILL NO. TO CHAPTER NO. OF 1995 STATUTES**

Chapter Number		Chapter Number	
Number	Laws of 1995	Number	Laws of 1995
SSB	5370 . . . . .	30	
SB	5372 . . . . .	118	
SSB	5374 . . . . .	337	
SB	5378 . . . . .	159	
ESSB	5386 . . . . .	266	
2SSB	5387 . . . . .	375	PV
ESB	5397 . . . . .	218	
SB	5398 . . . . .	80	
SB	5399 . . . . .	199	
SSB	5400 . . . . .	33	
SB	5401 . . . . .	81	
SSB	5402 . . . . .	160	
SSB	5403 . . . . .	200	
SSB	5406 . . . . .	249	
ESSB	5408 . . . . .	10	EI
SSB	5410 . . . . .	82	
SSB	5419 . . . . .	34	
SSB	5421 . . . . .	250	
SB	5430 . . . . .	83	
SB	5432 . . . . .	35	
SB	5433 . . . . .	84	
SB	5434 . . . . .	338	
SSB	5435 . . . . .	85	
ESB	5437 . . . . .	86	
E2SSB	5439 . . . . .	312	PV
SSB	5440 . . . . .	87	
SSB	5443 . . . . .	251	
SB	5445 . . . . .	219	
E2SSB	5448 . . . . .	376	PV
SSB	5463 . . . . .	51	
SSB	5479 . . . . .	52	
ESSB	5503 . . . . .	220	
SB	5520 . . . . .	53	
SB	5523 . . . . .	221	
2ESB	5529 . . . . .	11	EI
SSB	5537 . . . . .	222	
SB	5544 . . . . .	339	
SSB	5551 . . . . .	340	
2ESB	5555 . . . . .	12	EI PV
SB	5563 . . . . .	55	
SSB	5567 . . . . .	377	
2SSB	5574 . . . . .	334	
SB	5575 . . . . .	132	
SB	5583 . . . . .	56	
SB	5584 . . . . .	57	
ESSB	5592 . . . . .	252	
ESSB	5597 . . . . .	341	
SSB	5606 . . . . .	342	
SSB	5609 . . . . .	58	
ESB	5613 . . . . .	253	
ESSB	5616 . . . . .	378	
SB	5625 . . . . .	59	
ESSB	5629 . . . . .	254	
SB	5630 . . . . .	19	
E2SSB	5632 . . . . .	402	PV
E2SSB	5633 . . . . .	255	
SSB	5647 . . . . .	119	
SB	5652 . . . . .	379	PV
SB	5655 . . . . .	380	PV
SSB	5660 . . . . .	20	
ESSB	5662 . . . . .	223	
SB	5668 . . . . .	31	
SB	5677 . . . . .	343	
ESSB	5684 . . . . .	397	PV
ESSB	5685 . . . . .	256	
SSB	5688 . . . . .	54	
SB	5699 . . . . .	60	
SB	5718 . . . . .	224	
SSB	5724 . . . . .	257	PV
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ESSB	5739 . . . . .	11	E2
SSB	5742 . . . . .	258	
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SSB	5764 . . . . .	88	
SB	5767 . . . . .	89	
SSB	5769 . . . . .	90	
ESB	5770 . . . . .	381	PV
SB	5771 . . . . .	120	
ESB	5776 . . . . .	382	
SSB	5780 . . . . .	161	
SSB	5799 . . . . .	260	
SSB	5800 . . . . .	383	
SSB	5804 . . . . .	91	
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ESSB	5820 . . . . .	92	
SSB	5835 . . . . .	93	
SB	5848 . . . . .	202	
2ESB	5852 . . . . .	20	EI
SSB	5854 . . . . .	389	
SB	5857 . . . . .	94	
ESSB	5868 . . . . .	122	
SB	5871 . . . . .	95	
ESB	5873 . . . . .	384	
ESB	5876 . . . . .	162	
ESSB	5880 . . . . .	308	

"PV" Denotes partial veto by Governor [ 2908 ]

"E1" Denotes 1995 1st special sess.  
"E2" Denotes 1995 2nd special sess.







**BILL NO. TO CHAPTER NO. OF 1995 STATUTES**

Number		Chapter Number Laws of 1995	Number	Chapter Number Laws of 1995	
SHB	1669	290	SHB	1995	304
SHB	1671	109	2E2SHB	2010	19 E1 PV
SHB	1673	329	HB	2022	114
SHB	1677	358	EHB	2033	362
ESHB	1679	277	ESHB	2036	214
SHB	1680	291	EHB	2057	305
HB	1687	13	SHB	2058	242
SHB	1692	292	SHB	2060	155
SHB	1700	330	HB	2063	363
HB	1702	14	SHB	2067	306
HB	1706	15	HB	2076	3 E2
SHB	1722	331	2ESHB	2080	14 E2 PV
ESHB	1724	347	ESHB	2090	364
HB	1725	293	HB	2110	10 E2
ESHB	1730	273			
ESHB	1741	2			
SHB	1744	110			
SHB	1756	313			
HB	1761	69			
ESHB	1769	12			
EHB	1770	294			
HB	1771	187			
SHB	1777	111			
ESHB	1787	394			
HB	1790	188			
SHB	1809	295			
ESHB	1810	359			
2SHB	1814	7			
ESHB	1820	360			
ESHB	1821	296			
SHB	1853	395			
SHB	1856	70			
HB	1858	241			
SHB	1865	297			
HB	1866	153			
SHB	1871	298			
HB	1872	299			
SHB	1873	112			
HB	1879	300			
EHB	1889	301			
HB	1893	189			
SHB	1906	302			
E2SHB	1908	18			
ESHB	1913	5			
SHB	1917	113			
ESHB	1922	361			
SHB	1929	154			
E2SHB	1941	303			

"PV" Denotes partial veto by Governor [ 2911 ]

"E1" Denotes 1995 1st special sess.  
 "E2" Denotes 1995 2nd special sess.



**RCW SECTIONS AFFECTED BY 1995 STATUTES**

<u>RCW</u>	<u>CH</u>	<u>SEC.</u>	<u>RCW</u>	<u>CH</u>	<u>SEC.</u>
1 08	ADD	403	704	7 68 120	AMD 33 1
1 20	ADD	82	2	7.68.125	AMD 33 2
1 30.010	REP	269	101	7.68.130	AMD 33 3
1.30.020	REP	269	101	7.70.020	AMD 323 3
1.30.030	REP	269	101	9.12 010	AMD 285 27
1 30 040	REP	269	101	9.38	ADD 186 4
1 30.050	REP	269	101	9.40.100	AMD 369 3
1.30.060	REP	269	101	9.41.040	AMD 129 16
2 08 062	AMD	117	1	9.41 060	AMD 392 1
2 10.100	AMD	305	1	9.41.070	REMD 351 1
2.10.144	AMD	144	20	9.41.135	AMD 318 6
2.10 146	AMD	144	21	9.41.280	AMD 87 1
2 32.075	REP	292	22	9.46 0277	AMD 4 E2 1
2.32.160	AMD	257	1	9.68A	ADD 353 12
2 32.170	AMD	257	2	9.91.090	REP 285 37
2 48 180	AMD	285	26	9.92.060	AMD 19 E1 30
2.52 010	REP	269	201	9.94	ADD 385 1
2.52.020	REP	269	201	9.94.010	AMD 314 1
2.52 030	REP	269	201	9.94.020	AMD 314 2
2.52.035	REP	269	201	9.94.030	AMD 314 3
2.52.040	REP	269	201	9.94.040	AMD 314 4
2.52.050	REP	269	201	9.94.041	AMD 314 5
3.02.045	AMD	291	1	9.94.049	AMD 314 6
3.02.045	REEN	38	1	9.94A	ADD 108 2
3.30.070	AMD	301	30	9.94A	ADD 129 4-6
3.34.010	AMD	168	1	9.94A	ADD 269 301
3.38.010	REMD	37	1	9.94A.030	AMD 101 2
3.46.120	AMD	291	2	9.94A.030	AMD 108 1
3.50.100	AMD	291	3	9.94A.030	AMD 268 2
3.62.020	AMD	291	5	9.94A.040	AMD 269 303
3.62.020	AMD	301	31	9.94A.080	AMD 288 1
3.62.040	AMD	291	6	9.94A.090	AMD 288 2
3.62.090	AMD	332	7	9.94A.120	REMD 108 3
4.24.130	AMD	19 E1	14	9.94A.137	AMD 19 E1 20
4.24.130	AMD	246	34	9.94A.140	AMD 231 1
4.24.240	AMD	323	1	9.94A.142	AMD 33 4
4.24.290	AMD	323	2	9.94A.142	AMD 231 2
4.24.400	AMD	369	2	9.94A.145	AMD 231 3
4.56.210	AMD	75	1	9.94A.150	AMD 129 7
4.64.030	AMD	149	1	9.94A.190	AMD 108 4
4.84	ADD	347	718	9.94A.200	AMD 142 1
4.84	ADD	403	902-904	9.94A.200	AMD 167 1
4.92.220	AMD	137	1	9.94A.310	AMD 129 2
5.28.010	AMD	292	1	9.94A.320	REMD 129 3
5.60.060	AMD	240	1	9.94A.320	REMD 285 28
6.17.020	AMD	231	4	9.94A.320	REMD 385 2
6.32.130	AMD	73	1	9.94A.360	REMD 101 1
7.16.360	AMD	347	716	9.94A.360	REMD 316 1
7.68.090	AMD	234	3	9.94A.390	AMD 316 2
				9.94A.400	AMD 167 2

"E2" Denotes 1995 2nd special sess.

[ 2913 ]

"E1" Denotes 1995 1st special sess.

## RCW SECTIONS AFFECTED BY 1995 STATUTES

RCW	CH	SEC.	RCW	CH	SEC.		
9 94A 440	REMD	288	3	10 73	ADD 275	2,3	
9.95	ADD	19 E1	31,32	10.82 070	AMD	292	3
9.95.210	AMD	19 E1	29	10 82 090	AMD	291	7
9.95 210	AMD	33	6	10 95.020	AMD	129	17
9A.04 080	AMD	17	1	10.99.020	AMD	246	21
9A.04.080	AMD	287	5	10.99 030	AMD	246	22
9A.16.110	AMD	44	1	10.99.040	AMD	246	23
9A.36.045	AMD	129	8	11.28.120	AMD	18 E1	61
9A.40.090	AMD	156	1	11.40.010	AMD	18 E1	58
9A.44	ADD	248	3	11.42.020	AMD	18 E1	59
9A 44.120	AMD	76	1	11.62.010	AMD	18 E1	60
9A.44.130	AMD	195	1	11.86.031	AMD	292	4
9A 44.130	AMD	248	1	11.88.030	AMD	297	1
9A.44.130	AMD	268	3	11.88.040	AMD	297	2
9A.44.140	AMD	195	2	11.88.045	AMD	297	3
9A 44 140	AMD	248	2	11.88.090	AMD	297	4
9A.44.140	AMD	268	4	11.88.095	AMD	297	5
9A.48	ADD	66	1	11.92.050	AMD	297	6
9A 52.020	AMD	129	9	11.92.053	AMD	297	7
9A.56	ADD	92	6-9	11.92.180	AMD	297	8
9A.56	ADD	129	13	11.94.010	AMD	297	9
9A.56 010	AMD	92	1	11.95.030	AMD	91	1
9A.56.030	AMD	129	11	11.95.050	REP	91	2
9A.56.040	AMD	129	12	11.100	ADD	307	4,5
9A.56.150	AMD	129	14	11.100.010	AMD	307	1
9A.56.160	AMD	129	15	11.100.020	AMD	307	2
9A.56.220	AMD	92	2	11.100.035	AMD	307	3
9A.56.230	AMD	92	3	11.100.130	AMD	307	6
9A.56.250	AMD	92	4	12.40.105	AMD	292	5
9A.56.300	AMD	129	10	12.40.110	AMD	292	6
9A.68	ADD	285	29	13.04.030	AMD	311	15
9A.72.010	AMD	285	30	13.04.030	AMD	312	39
9A.72.030	AMD	285	31	13.04.040	AMD	312	40
9A.76	ADD	285	32	13.04.093	AMD	312	41
9A.76.020	AMD	285	33	13.32A	ADD	312	4,13
9A.76.120	AMD	216	15				14,20
9A.82.010	AMD	92	5				21,25
9A.82.010	AMD	285	34				32,34
9A.82.903	REP	285	37				36,37
9A.88	ADD	353	13				43,44
10.01.160	AMD	221	1	13.32A.010	AMD	312	1
10.14	ADD	246	35	13.32A.030	AMD	312	3
10.14.020	AMD	127	1	13.32A.040	AMD	312	5
10.14.040	AMD	127	2	13.32A.050	AMD	312	6
10.14.040	AMD	292	2	13.32A.060	AMD	312	7
10.14.080	AMD	246	36	13.32A.070	AMD	312	8
10.31.100	REMD	93	1	13.32A.090	AMD	312	10
10.31.100	REMD	184	1	13.32A.120	AMD	312	11
10.31.100	REMD	246	20	13.32A.130	AMD	312	12
10.64.130	REP	221	2	13.32A.140	AMD	312	15

"E1" Denotes 1995 1st special sess.

[ 2914 ]

"E2" Denotes 1995 2nd special sess.

**RCW SECTIONS AFFECTED BY 1995 STATUTES**

<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>	<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>	
13.32A.150	AMD	312	16	15.44.033	AMD 374 59	
13.32A.160	AMD	312	17	15.53	ADD 374 35	
13.32A.170	AMD	312	18	15.53.901	AMD 374 33	
13.32A.175	AMD	312	19	15.53.9012	AMD 374 34	
13.32A.177	AMD	312	22	15.53.9014	AMD 374 36	
13.32A.180	AMD	312	23	15.53.9016	AMD 374 37	
13.32A.190	AMD	312	24	15.53.9018	AMD 374 38	
13.32A.192	AMD	312	26	15.53.902	AMD 374 39	
13.32A.194	AMD	312	27	15.53.9022	AMD 374 40	
13.32A.196	AMD	312	28	15.53.9024	AMD 374 41	
13.32A.250	AMD	312	29	15.53.9026	REP 374 45	
13.34.030	AMD	311	23	15.53.9028	REP 374 45	
13.34.110	AMD	311	27	15.53.903	REP 374 45	
13.34.110	AMD	313	1	15.53.9032	REP 374 45	
13.34.130	AMD	53	1	15.53.9034	REP 374 45	
13.34.130	AMD	311	19	15.53.9036	REP 374 46	
13.34.130	AMD	313	2	15.53.9038	AMD 374 42	
13.34.145	AMD	53	2	15.53.9042	AMD 374 43	
13.34.145	AMD	311	20	15.53.905	DECD 374 47	
13.34.233	AMD	311	24	15.53.9052	DECD 374 47	
13.40	ADD	395	1,9	15.53.9053	AMD 374 44	
13.40.020	REEN	134	1	15.58	ADD 374 67	
13.40.020	REMD	395	2	15.58.070	AMD 374 66	
13.40.025	AMD	269	302	15.58.410	REP 374 68	
13.40.0357	AMD	395	3	15.65	ADD 109 1	
13.40.040	AMD	395	4	15.76.140	AMD 374 71	
13.40.050	AMD	395	5	15.80	ADD 355 25	
13.40.125	AMD	395	6	15.92	ADD 390 1-3	
13.40.145	AMD	275	4			6,7
13.40.150	AMD	268	5	15.92.010	AMD 390 4	
13.40.160	AMD	395	7	15.92.060	AMD 390 5	
13.40.190	AMD	33	5	16.24.130	AMD 374 69	
13.40.200	AMD	395	8	16.24.150	AMD 374 70	
13.40.215	REMD	324	1	16.57.220	AMD 374 48	
13.40.220	AMD	300	1	16.57.220	REMD 374 49	
13.40.320	AMD	40	1	16.57.230	AMD 374 50	
13.50.100	AMD	311	16	16.57.240	AMD 374 51	
13.64.020	AMD	292	7	16.57.280	AMD 374 52	
14.08.090	AMD	301	32	16.57.290	AMD 374 53	
15.04	ADD	97	1	16.65	ADD 374 56,57	
15.26	ADD	109	2	16.65.030	AMD 374 54	
15.36.012	AMD	374	1	17	ADD 255 1,2	
15.36.071	AMD	374	2			8-12
15.36.121	AMD	225	2	17.10	ADD 374 75	
15.36.171	AMD	374	3	17.10.010	AMD 255 6	
15.36.221	AMD	374	4	17.10.240	AMD 374 77	
15.36.411	AMD	374	5	18	ADD 1 2-17	
15.36.431	REEN	374	6	18	ADD 260 7-9	
15.36.441	AMD	374	7	18.06.010	AMD 323 4	
15.36.551	AMD	15	1	18.06.020	AMD 323 5	

**RCW SECTIONS AFFECTED BY 1995 STATUTES**

<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>	<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>	
18.06.045	AMD	323	6	18.64.011	AMD 319 2	
18.06.080	AMD	323	7	18.64.165	REMD 319 5	
18.06.090	AMD	323	8	18.64.255	AMD 319 7	
18.06.110	AMD	323	9	18.64A.020	AMD 198 8	
18.06.120	AMD	323	10	18.71.030	AMD 65 1	
18.06.130	AMD	323	11	18.71.200	AMD 65 2	
18.06.140	AMD	323	12	18.71.205	AMD 65 3	
18.06.190	AMD	323	13	18.71.210	AMD 65 4	
18.06.200	AMD	323	14	18.71.210	AMD 103 1	
18.16.050	AMD	269	402	18.71.215	AMD 103 2	
18.19.120	AMD	183	1	18.74.023	REMD 198 9	
18.20	ADD	18 E1	18	18.74.023	REMD 299 1	
18.20.130	AMD	369	4	18.74.035	AMD 198 10	
18.25.030	AMD	198	1	18.79.040	AMD 18 E1 50	
18.29.021	AMD	198	4	18.79.260	AMD 18 E1 51	
18.29.120	AMD	198	5	18.79.260	AMD 295 1	
18.30	ADD	336	3	18.79.270	AMD 295 2	
18.30.020	AMD	198	18	18.83.070	AMD 198 11	
18.30.070	REP	198	25	18.83.072	AMD 198 12	
18.30.080	AMD	198	19	18.85.310	AMD 399 7	
18.30.090	AMD	198	20	18.88A	ADD 18 E1 45-	
18.30.100	AMD	198	21			49
18.30.110	AMD	198	22	18.88A.030	AMD 18 E1 52	
18.30.130	AMD	198	23	18.92.010	AMD 317 1	
18.30.140	AMD	198	24	18.92.030	AMD 198 13	
18.32.050	AMD	198	2	18.92.060	AMD 317 2	
18.34.020	AMD	178	1	18.92.100	AMD 198 14	
18.34.030	AMD	178	2	18.100	ADD 64 2	
18.34.080	AMD	198	3	18.104.155	AMD 403 628	
18.39.250	AMD	18 E1	62	18.106.010	AMD 282 2	
18.39.255	AMD	18 E1	63	18.106.110	AMD 95 1	
18.43	ADD	356	5	18.106.280	AMD 294 1	
18.43.020	AMD	356	1	18.108.030	AMD 198 15	
18.43.040	AMD	356	2	18.108.040	AMD 353 1	
18.43.050	AMD	356	3	18.108.050	AMD 198 16	
18.43.070	AMD	356	4	18.108.073	AMD 198 17	
18.44.010	AMD	238	1	18.108.085	AMD 353 2	
18.44.080	AMD	238	2	18.120.020	AMD 1 18	
18.44.208	AMD	238	3	18.120.020	AMD 323 15	
18.44.290	AMD	238	4	18.130	ADD 198 26	
18.44.380	AMD	238	5	18.130	ADD 353 3	
18.46.110	AMD	369	5	18.130.020	AMD 336 1	
18.51.140	AMD	18 E1	43	18.130.040	AMD 1 19	
18.51.140	AMD	369	6	18.130.040	REMD 260 11	
18.51.145	AMD	369	7	18.130.040	REMD 323 16	
18.51.300	AMD	18 E1	44	18.130.040	REMD 336 2	
18.53.060	AMD	198	6	18.130.050	REMD 336 4	
18.54.070	AMD	198	7	18.130.060	AMD 336 5	
18.64	ADD	319	3,4	18.130.095	AMD 336 6	
			6	18.130.098	AMD 336 7	

"E1" Denotes 1995 1st special sess.

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"E2" Denotes 1995 2nd special sess.

## RCW SECTIONS AFFECTED BY 1995 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
18.130.170	AMD	336	8	18.170.100	AMD 277 7
18.130.180	AMD	336	9	18.170.110	AMD 277 8
18.130.190	AMD	285	35	18.170.120	AMD 277 9
18.130.320	REP	265	27	18.170.130	AMD 277 10
18.130.330	REP	265	27	18.170.160	AMD 277 11
18.145.005	AMD	27	1	18.170.170	AMD 277 12
18.145.020	AMD	27	3	18.170.190	AMD 277 14
18.145.030	AMD	27	4	18.170.230	AMD 277 15
18.145.030	AMD	269	501	18.170.250	AMD 277 16
18.145.040	AMD	27	5	19.02	ADD 403 1006
18.145.050	AMD	27	6	19.02.075	AMD 403 1007
18.145.050	AMD	269	502	19.27.031	REMD 343 1
18.145.060	REP	27	14	19.27.070	AMD 399 8
18.145.060	REP	269	505	19.27.097	AMD 399 9
18.145.070	AMD	27	7	19.27.150	AMD 399 10
18.145.070	AMD	269	503	19.27A.080	AMD 343 2
18.145.080	AMD	27	8	19.27A.110	AMD 369 8
18.145.080	AMD	269	504	19.32.170	AMD 62 3
18.145.090	AMD	27	9	19.60.010	AMD 133 1
18.145.110	AMD	27	10	19.60.060	AMD 133 2
18.145.120	AMD	27	11	19.60.061	AMD 133 3
18.145.130	AMD	27	12	19.85	ADD 403 401
18.145.900	AMD	27	13		404
18.165	ADD	277	20,24	19.85.030	AMD 403 402
18.165.010	AMD	277	17	19.85.040	AMD 403 403
18.165.020	AMD	277	18	19.85.060	REP 403 405
18.165.030	AMD	277	19	19.94	ADD 355 1,2
18.165.040	AMD	277	21		15-17
18.165.050	AMD	277	22		22
18.165.060	AMD	277	23		23
18.165.070	AMD	277	25	19.94.005	AMD 355 3
18.165.080	AMD	277	26	19.94.010	AMD 355 4
18.165.090	AMD	277	27	19.94.160	AMD 355 5
18.165.100	AMD	277	28	19.94.165	AMD 355 6
18.165.110	AMD	277	29	19.94.175	AMD 355 7
18.165.120	AMD	277	30	19.94.185	AMD 355 8
18.165.130	AMD	277	31	19.94.190	AMD 355 9
18.165.140	AMD	277	32	19.94.216	AMD 355 10
18.165.150	AMD	277	33	19.94.250	AMD 355 11
18.165.160	AMD	277	34	19.94.255	AMD 355 12
18.165.170	AMD	277	35	19.94.280	AMD 355 13
18.165.180	AMD	277	36	19.94.320	AMD 355 14
18.165.190	AMD	277	37	19.94.360	AMD 355 18
18.165.220	AMD	277	38	19.94.390	AMD 355 20
18.165.240	AMD	277	39	19.94.410	AMD 355 19
18.170	ADD	277	2,3	19.94.510	AMD 355 21
18.170.030	AMD	277	1	19.118	ADD 254 8,9
18.170.060	AMD	277	4	19.118.021	AMD 254 1
18.170.070	AMD	277	5	19.118.031	AMD 254 2
18.170.090	AMD	277	6	19.118.041	AMD 254 3

"E2" Denotes 1995 2nd special sess.

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"E1" Denotes 1995 1st special sess.

## RCW SECTIONS AFFECTED BY 1995 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.		
19.118.061	AMD	254	4	26.09.060	AMD	246	26
19.118.080	AMD	254	5	26.09.300	AMD	246	27
19.118.090	AMD	254	6	26.10.040	AMD	93	3
19.118.110	AMD	18 E2	910	26.10.115	AMD	246	29
19.118.110	AMD	254	7	26.10.220	AMD	246	30
19.166.030	AMD	60	1	26.18.170	AMD	34	7
19.166.040	AMD	60	2	26.18.190	AMD	236	1
19.184.010	AMD	14	1	26.26	ADD	246	33
19.184.020	AMD	14	2	26.26.130	AMD	246	31
19.184.030	AMD	14	3	26.26.137	AMD	246	32
21.17.010	REP	48	52	26.28	ADD	373	1
21.17.020	REP	48	52	26.33	ADD	270	8
21.17.030	REP	48	52	26.33.110	AMD	270	5
21.17.040	REP	48	52	26.33.260	AMD	270	7
21.17.050	REP	48	52	26.33.310	AMD	270	6
21.17.060	REP	48	52	26.44.030	REMD	311	17
21.17.070	REP	48	52	26.50	ADD	246	2,11
21.17.080	REP	48	52				16,18
21.17.090	REP	48	52				19
21.17.900	REP	48	52	26.50.010	REMD	246	1
21.17.910	REP	48	52	26.50.030	AMD	246	3
21.20.060	AMD	46	1	26.50.035	AMD	246	4
21.20.090	AMD	46	2	26.50.040	AMD	246	5
21.20.270	AMD	46	3	26.50.050	AMD	246	6
21.20.310	AMD	46	4	26.50.060	AMD	246	7
21.20.340	AMD	46	5	26.50.070	AMD	246	8
21.20.380	AMD	46	6	26.50.080	AMD	246	9
21.20.390	AMD	46	7	26.50.090	AMD	246	10
23B.01.400	REMD	47	1	26.50.095	AMD	246	12
23B.07.320	AMD	47	6	26.50.100	AMD	246	13
23B.08.080	AMD	47	7	26.50.110	AMD	246	14
23B.14	ADD	47	8	26.50.115	AMD	246	15
23B.14.220	AMD	47	2	26.50.125	AMD	246	17
23B.14.300	AMD	47	3	27	ADD	368	1-7
23B.14.330	AMD	47	4	27.14.010	REP	368	9
23B.14.340	AMD	47	5	27.14.015	REP	368	9
24.06.045	AMD	337	22	27.14.020	REP	368	9
24.46.010	AMD	399	12	27.14.030	REP	368	9
25.04	ADD	337	1-11	27.14.035	REP	368	9
25.15.005	AMD	337	13	27.14.040	REP	368	9
25.15.045	AMD	337	14	27.14.050	REP	368	9
25.15.060	AMD	337	15	27.34	ADD	182	2
25.15.085	AMD	337	16	27.34.020	AMD	399	13
25.15.130	AMD	337	17	27.34.210	AMD	399	14
25.15.220	AMD	337	18	27.34.250	REMD	150	1
25.15.250	AMD	337	19	27.34.300	REP	269	601
25.15.280	AMD	337	20	27.34.310	AMD	399	15
25.15.310	AMD	337	21	27.53.030	AMD	399	16
26.04.210	AMD	301	78	27.53.130	AMD	399	17
26.09.050	AMD	93	2	27.53.140	AMD	399	18

"E1" Denotes 1995 1st special sess.

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"E2" Denotes 1995 2nd special sess.



## RCW SECTIONS AFFECTED BY 1995 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.		
27.60.010	REP	269	701	28A.180.050	REP	335	605
27.60.020	REP	269	701	28A.180.070	REP	335	605
27.60.030	REP	269	701	28A.180.080	AMD	335	601
27.60.040	REP	269	701	28A.190.030	AMD	77	19
27.60.050	REP	269	701	28A.200.010	AMD	52	1
27.60.070	REP	269	701	28A.205.050	AMD	335	201
27.60.090	REP	269	701	28A.205.060	REP	335	508
27.60.900	REP	269	701	28A.210.005	REP	335	307
28A.150	ADD	243	4	28A.210.050	REP	335	203
28A.150.220	AMD	77	1	28A.215.010	AMD	335	104
28A.150.260	AMD	77	2	28A.215.020	AMD	335	308
28A.150.260	AMD	77	3	28A.215.030	AMD	335	309
28A.150.275	AMD	77	4	28A.215.040	AMD	335	105
28A.150.360	AMD	335	101	28A.215.050	AMD	335	310
28A.150.370	AMD	77	5	28A.215.170	AMD	335	501
28A.150.370	AMD	335	102	28A.215.300	REP	335	307
28A.150.380	AMD	335	103	28A.215.310	REP	335	307
28A.150.390	AMD	77	6	28A.215.320	REP	335	307
28A.155.010	AMD	77	7	28A.215.330	REP	335	307
28A.155.020	AMD	77	8	28A.225	ADD	312	66,69
28A.155.030	AMD	77	9				71,72
28A.155.040	AMD	77	10	28A.225.020	AMD	312	67
28A.155.050	AMD	77	11	28A.225.030	AMD	312	68
28A.155.060	AMD	77	12	28A.225.040	REP	312	86
28A.155.070	AMD	77	13	28A.225.050	REP	312	86
28A.155.080	AMD	77	14	28A.225.060	AMD	312	73
28A.155.090	AMD	77	15	28A.225.070	REP	312	86
28A.160	ADD	10 E1	1	28A.225.090	AMD	312	74
28A.160.040	AMD	77	16	28A.225.100	REP	312	86
28A.160.090	AMD	399	20	28A.225.110	AMD	312	75
28A.160.160	AMD	77	17	28A.225.120	REP	312	86
28A.160.180	AMD	77	18	28A.225.130	REP	312	86
28A.160.200	AMD	10 E1	2	28A.225.150	REP	312	86
28A.165.070	AMD	13 E1	1	28A.225.180	REP	335	508
28A.170.010	REP	335	203	28A.225.190	REP	335	203
28A.170.020	REP	335	203	28A.225.220	AMD	52	2
28A.170.030	REP	335	203	28A.225.220	AMD	335	602
28A.170.040	REP	335	203	28A.225.225	AMD	52	3
28A.170.060	REP	335	203	28A.225.250	AMD	335	603
28A.170.070	REP	335	203	28A.225.320	REP	335	508
28A.170.075	AMD	335	204	28A.225.330	AMD	311	25
28A.170.090	AMD	335	205	28A.225.330	AMD	324	2
28A.170.100	REP	335	605	28A.234.010	REP	335	307
28A.175.020	REP	335	402	28A.240.010	REP	335	402
28A.175.030	REP	335	402	28A.240.020	REP	335	402
28A.175.040	REP	335	402	28A.240.030	REP	335	402
28A.175.050	REP	335	402	28A.300.110	REP	335	402
28A.175.060	REP	335	203	28A.300.160	AMD	399	21
28A.175.070	REP	335	307	28A.300.180	REP	335	402
28A.175.080	REP	335	605	28A.300.200	REP	335	402

"E2" Denotes 1995 2nd special sess.

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"E1" Denotes 1995 1st special sess.

**RCW SECTIONS AFFECTED BY 1995 STATUTES**

<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>	<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>		
28A.300.210	REP	335	508	28A.535.020	AMD	111	1
28A.305.130	AMD	369	9	28A.545.040	AMD	77	25
28A.305.230	REP	222	2	28A.545.100	AMD	77	26
28A.305.240	REP	222	2	28A.600	ADD	87	2
28A.305.245	REP	222	2	28A.600	ADD	312	82
28A.305.250	REP	222	2	28A.600.130	AMD	5 E1	1
28A.310.190	AMD	77	20	28A.600.425	REP	335	402
28A.310.380	REP	335	113	28A.600.430	REP	335	402
28A.315.680	REMD	335	106	28A.600.435	REP	335	402
28A.320	ADD	11 E1	2	28A.600.440	REP	335	402
28A.320.080	AMD	77	21	28A.600.445	REP	335	402
28A.320.200	AMD	335	502	28A.600.450	REP	335	402
28A.330.100	AMD	77	22	28A.610.010	AMD	335	301
28A.330.100	AMD	335	503	28A.610.010	RECD	335	306
28A.335.090	AMD	358	1	28A.610.020	AMD	335	302
28A.335.120	AMD	358	2	28A.610.020	RECD	335	306
28A.335.160	AMD	335	604	28A.610.030	AMD	335	303
28A.335.190	AMD	10 E1	3	28A.610.030	RECD	335	306
28A.335.310	REP	335	508	28A.610.040	RECD	335	306
28A.340.050	REP	335	508	28A.610.050	RECD	335	306
28A.400	ADD	6 E1	1	28A.615.060	REP	335	402
28A.400.150	REP	335	703	28A.625.010	AMD	335	107
28A.400.306	AMD	335	504	28A.625.050	AMD	335	108
28A.400.350	AMD	6 E1	18	28A.625.300	REP	335	402
28A.400.350	AMD	126	1	28A.630	ADD	208	1
28A.405.010	RECD	335	305	28A.630	ADD	303	2
28A.405.025	RECD	335	305	28A.630.070	REP	335	402
28A.405.070	AMD	335	701	28A.630.075	REP	335	402
28A.405.120	AMD	335	401	28A.630.090	REP	335	203
28A.405.150	REP	335	203	28A.630.091	REP	335	203
28A.405.160	REP	335	203	28A.630.300	REP	335	402
28A.405.460	AMD	335	702	28A.630.320	REP	335	402
28A.410	ADD	222	1	28A.630.330	REP	335	402
28A.410	ADD	335	305	28A.630.390	REP	335	402
28A.410.030	REP	222	2	28A.630.400	AMD	77	27
28A.415	ADD	258	2	28A.630.400	AMD	335	202
28A.415	ADD	284	3	28A.630.750	REP	335	203
28A.415.020	AMD	284	2	28A.630.753	REP	335	203
28A.415.050	REP	335	605	28A.630.756	REP	335	203
28A.415.105	AMD	335	403	28A.630.759	REP	335	203
28A.415.110	REP	335	402	28A.630.762	REP	335	203
28A.415.115	REP	335	402	28A.630.765	REP	335	203
28A.415.120	REP	335	405	28A.630.768	REP	335	203
28A.415.220	REP	335	402	28A.630.771	REP	335	203
28A.415.290	REP	222	2	28A.630.774	REP	335	203
28A.415.290	REP	335	203	28A.630.777	REP	335	203
28A.505.040	AMD	121	1	28A.630.780	REP	335	203
28A.505.050	AMD	121	2	28A.630.783	REP	335	203
28A.525.030	AMD	77	23	28A.630.786	REP	335	203
28A.525.162	AMD	77	24	28A.630.789	REP	335	203

"E1" Denotes 1995 1st special sess.

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"E2" Denotes 1995 2nd special sess.

**RCW SECTIONS AFFECTED BY 1995 STATUTES**

<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>	<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>		
28A.630.800	REP	335	203	28B.80.160	AMD	217	1
28A.630.835	AMD	77	28	28B.80.245	AMD	5 E1	3
28A.630.840	AMD	77	29	28B.80.246	AMD	5 E1	4
28A.630.845	AMD	77	30	28B.80.360	AMD	9 E1	12
28A.630.868	AMD	335	109	28B.80.550	REP	269	901
28A.630.870	AMD	335	110	28B.80.555	REP	269	901
28A.630.872	AMD	77	31	28B.80.570	AMD	226	20
28A.630.874	AMD	335	111	28B.80.575	AMD	226	21
28A.630.880	AMD	335	112	28B.80.575	AMD	269	1001
28A.630.885	AMD	209	1	28B.80.580	AMD	226	22
28A.630.885	AMD	335	505	28B.80.585	AMD	226	23
28A.630.952	AMD	335	506	28B.85.200	AMD	176	1
28A.650.015	AMD	335	507	28B.85.210	AMD	176	2
28B	ADD	6 E1	10	28B.90.005	AMD	335	404
28B	ADD	335	306	28B.102.900	REP	217	2
28B.10	ADD	310	1,3	28C.04.440	AMD	399	32
28B.10.804	AMD	269	801	28C.04.460	AMD	399	33
28B.15	ADD	9 E1	5	28C.04.520	AMD	7 E1	1
28B.15	ADD	36	2	28C.04.525	AMD	7 E1	2
28B.15.031	REMD	9 E1	2	28C.04.530	AMD	7 E1	3
28B.15.066	AMD	9 E1	3	28C.04.535	AMD	7 E1	4
28B.15.067	AMD	9 E1	4	28C.04.540	AMD	7 E1	5
28B.15.070	AMD	9 E1	7	28C.04.545	AMD	7 E1	6
28B.15.076	AMD	9 E1	6	28C.18	ADD	130	2,4-6
28B.15.100	AMD	9 E1	8	28C.18.050	AMD	130	3
28B.15.202	REP	9 E1	13	29.04.160	REMD	135	2
28B.15.402	REP	9 E1	13	29.04.180	AMD	158	1
28B.15.502	REP	9 E1	13	29.19	ADD	20 E1	2,3
28B.15.543	AMD	5 E1	2	29.19.020	AMD	20 E1	1
28B.15.545	AMD	7 E1	7	29.19.040	REP	20 E1	6
28B.15.600	AMD	36	1	29.19.050	REP	20 E1	6
28B.15.620	AMD	349	1	29.19.060	REP	20 E1	6
28B.15.740	AMD	9 E1	9	29.19.070	AMD	20 E1	4
28B.15.820	REMD	9 E1	10	29.19.080	AMD	20 E1	5
28B.20.283	AMD	399	25	29.27.060	AMD	185	1
28B.20.289	AMD	399	26	29.51.170	AMD	158	2
28B.20.293	AMD	399	27	29.51.170	RECD	158	3
28B.30.537	REMD	399	28	29.62	ADD	139	1
28B.35.380	REP	222	2	29.62	ADD	158	3
28B.40.380	REP	222	2	29.62.020	AMD	139	2
28B.50	ADD	6 E1	19	29.62.030	AMD	139	3
28B.50.030	AMD	226	17	29.62.140	REP	139	4
28B.50.095	AMD	9 E1	11	30.04.111	AMD	344	1
28B.50.258	AMD	226	18	30.04.215	REEN	134	2
28B.50.262	AMD	226	19	30.04.215	REMD	344	2
28B.50.551	AMD	119	1	30.08.020	REEN	134	3
28B.65.040	REMD	399	29	30.08.040	REEN	134	4
28B.65.050	REMD	399	30	30.08.095	REEN	134	5
28B.65.060	AMD	399	31	30.08.180	AMD	344	3
28B.80	ADD	7 E1	8	30.08.190	REEN	134	6

"E2" Denotes 1995 2nd special sess.

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"E1" Denotes 1995 1st special sess.

## RCW SECTIONS AFFECTED BY 1995 STATUTES

<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>	<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>			
30.08.190	REMD	344	4	35.21	ADD	243	6	
30.22	ADD	186	1-3,5	35.21.010	AMD	196	5	
31.04.125	AMD	9	1	35.21.165	AMD	332	8	
31.04.145	AMD	9	2	35.21.270	AMD	301	35	
31.45	ADD	18	2,3	35.21.280	AMD	14	E1	8
31.45.010	AMD	18	1	35.21.300	AMD	399	36	
31.45.030	AMD	18	4	35.21.687	AMD	399	37	
31.45.040	AMD	18	5	35.21.735	AMD	212	2	
31.45.050	AMD	18	6	35.21.755	AMD	399	38	
31.45.070	AMD	18	7	35.21.779	AMD	399	39	
32.32.025	REEN	134	7	35.23.051	REEN	134	8	
34.05	ADD	403	118	35.23.101	REEN	134	9	
			201	35.23.121	AMD	301	36	
			501-	35.23.310	REP	134	16	
			503	35.23.535	AMD	301	37	
			505-	35.23.850	REEN	134	10	
			507	35.27.510	AMD	301	38	
			701	35.33.031	AMD	301	39	
34.05.230	AMD	403	702	35.33.041	AMD	301	40	
34.05.310	AMD	403	301	35.33.075	AMD	301	41	
34.05.313	AMD	403	303	35.33.111	AMD	301	42	
34.05.320	AMD	403	302	35.34.050	AMD	301	43	
34.05.325	AMD	403	304	35.34.060	AMD	301	44	
34.05.330	AMD	403	703	35.34.120	AMD	301	45	
34.05.355	REP	403	305	35.34.130	AMD	301	46	
34.05.370	AMD	403	801	35.34.190	AMD	301	47	
34.05.461	AMD	347	312	35.41.080	AMD	140	2	
34.05.514	AMD	292	9	35.44.020	AMD	382	1	
34.05.514	AMD	347	113	35.49.130	REEN	38	2	
34.05.518	AMD	382	5	35.63	ADD	378	8	
34.05.522	AMD	382	6	35.63.130	AMD	347	423	
34.05.534	AMD	403	803	35.63.185	AMD	49	1	
34.05.570	AMD	403	802	35.67.020	AMD	124	3	
34.08.020	AMD	47	9	35.67.190	AMD	124	4	
34.12.020	AMD	331	1	35.76.020	AMD	301	48	
34.12.042	REP	331	4	35.76.030	AMD	301	49	
35.02.132	AMD	301	33	35.76.050	AMD	301	50	
35.02.260	AMD	399	34	35.82.040	AMD	293	1	
35.07.230	AMD	301	34	35.82.130	AMD	293	2	
35.10	ADD	196	6	35.92.020	AMD	124	5	
35.10.420	AMD	196	7	35.92.060	AMD	42	1	
35.10.460	AMD	196	1	35.92.220	AMD	89	1	
35.10.470	AMD	196	2	35.92.230	AMD	89	2	
35.10.480	AMD	196	3	35A.06.020	REEN	134	11	
35.10.490	AMD	196	4	35A.12.140	AMD	71	1	
35.13	ADD	279	3	35A.14	ADD	279	4	
35.13.171	AMD	399	35	35A.21	ADD	243	7	
35.20.220	AMD	291	4	35A.33.030	AMD	301	51	
35.21	ADD	21	1	35A.33.040	AMD	301	52	
35.21	ADD	140	1	35A.33.075	AMD	301	53	

"E1" Denotes 1995 1st special sess.

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"E2" Denotes 1995 2nd special sess.

## RCW SECTIONS AFFECTED BY 1995 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
35A.33.110	AMD	301	54	36.40.040	AMD 194 7
35A.34.050	AMD	301	55	36.40.040	AMD 301 63
35A.34.060	AMD	301	56	36.40.080	AMD 301 64
35A.34.120	AMD	301	57	36.40.220	AMD 301 65
35A.34.130	AMD	301	58	36.47.060	AMD 301 66
35A.34.190	AMD	301	59	36.68.530	AMD 301 67
35A.37.010	AMD	301	60	36.69.160	AMD 301 68
35A.39.010	AMD	21	2	36.70	ADD 378 10
35A.40.200	AMD	164	2	36.70.970	AMD 347 425
35A.63	ADD	378	9	36.70A	ADD 190 1
35A.63.170	AMD	347	424	36.70A	ADD 347 102
35A.63.215	AMD	49	2		104
35A.82.010	AMD	274	4		105
36	ADD	347	401		115
			402		116
			404-	36.70A	ADD 378 11
			407	36.70A	ADD 382 12,13
			413-	36.70A.030	REMD 382 9
			420	36.70A.040	AMD 400 1
			432	36.70A.060	AMD 402 2
			502-	36.70A.065	AMD 347 409
			506	36.70A.065	AMD 347 410
			701-	36.70A.065	RECD 347 432
			715	36.70A.070	AMD 377 1
36.01.120	AMD	399	40	36.70A.070	AMD 400 3
36.17.042	REEN	38	3	36.70A.070	AMD 402 3
36.18	ADD	292	12-15	36.70A.110	AMD 400 2
36.18.010	AMD	246	37	36.70A.130	AMD 347 106
36.18.020	AMD	292	10	36.70A.140	AMD 347 107
36.18.020	AMD	312	70	36.70A.170	AMD 402 4
36.18.022	AMD	292	16	36.70A.280	AMD 347 108
36.18.190	AMD	262	1	36.70A.290	REMD 347 109
36.18.190	AMD	291	8	36.70A.300	AMD 347 110
36.21.011	REEN	134	12	36.70A.320	AMD 347 111
36.22.010	AMD	194	1	36.70A.330	AMD 347 112
36.22.020	AMD	194	2	36.70A.385	AMD 399 43
36.22.060	AMD	194	3	36.70A.440	AMD 347 408
36.22.140	AMD	301	61	36.70A.440	RECD 347 432
36.27.020	AMD	194	4	36.70A.450	AMD 49 3
36.27.100	AMD	399	41	36.80.040	AMD 194 8
36.29.010	REEN	38	4	36.80.080	AMD 301 69
36.32	ADD	193	1	36.82.200	AMD 301 70
36.32	ADD	243	8	36.89.080	AMD 124 1
36.32	ADD	368	8	36.93.080	AMD 399 44
36.32.127	AMD	332	9	36.93.090	AMD 131 1
36.32.210	AMD	194	5	36.94.140	AMD 124 2
36.32.213	REP	194	10	36.100	ADD 14 E1 5,6
36.32.215	AMD	194	6	36.100	ADD 396 7-17
36.38.010	AMD	14 E1	9	36.100.010	AMD 14 E1 1
36.40.030	AMD	301	62	36.100.010	AMD 396 1

"E2" Denotes 1995 2nd special sess.

[ 2923 ]

"E1" Denotes 1995 1st special sess.

## RCW SECTIONS AFFECTED BY 1995 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.		
36.100.020	AMD	14 E1	2	39.46.020	REEN	38	6
36.100.020	AMD	396	2	39.46.030	REEN	38	7
36.100.030	AMD	14 E1	3	39.46.110	REEN	38	8
36.100.030	AMD	396	3	39.50.030	REEN	38	9
36.100.040	AMD	396	4	39.52.010	AMD	17 E2	6
36.100.060	AMD	14 E1	4	39.52.020	AMD	17 E2	7
36.100.060	AMD	396	5	39.58	ADD	30	2
36.110	ADD	154	4,5	39.84.090	AMD	399	56
36.110.020	AMD	154	1	39.86.110	AMD	399	57
36.110.030	AMD	399	45	39.96.010	AMD	192	1
36.110.040	REP	154	6	39.96.070	AMD	192	2
36.110.120	AMD	154	2	40.04.030	AMD	24	1
36.110.130	AMD	154	3	40.04.035	AMD	24	2
37.12.100	AMD	177	1	40.04.040	AMD	24	3
37.12.100	AMD	202	1	40.04.090	AMD	24	4
37.12.110	AMD	177	2	40.04.100	AMD	257	4
37.12.110	AMD	202	2	40.04.110	AMD	257	5
37.12.120	AMD	177	3	40.10.020	AMD	399	58
37.12.120	AMD	202	3	40.14.020	REMD	326	1
38.52	ADD	243	9,10	40.14.027	AMD	292	17
38.52	ADD	391	10	40.14.070	AMD	301	71
38.52.005	AMD	391	1	41	ADD	239	201-
38.52.010	REMD	391	2				209
38.52.030	REMD	269	1201	41.04.205	AMD	6 E1	8
38.52.040	AMD	269	1202	41.04.230	AMD	6 E1	21
38.52.090	AMD	391	3	41.04.250	REP	239	326
38.52.420	AMD	391	4	41.04.255	REP	239	326
38.54.010	AMD	369	10	41.04.260	REP	239	326
38.54.010	AMD	391	5	41.04.440	AMD	239	322
38.54.020	AMD	391	6	41.04.445	AMD	239	323
38.54.030	AMD	269	1101	41.04.450	AMD	239	324
38.54.050	AMD	391	7	41.05	ADD	6 E1	11-
39.16.005	REP	164	1				17
39.16.020	REP	164	1	41.05.011	AMD	6 E1	2
39.16.030	REP	164	1	41.05.021	AMD	6 E1	7
39.16.040	REP	164	1	41.05.022	AMD	6 E1	3
39.19	ADD	269	1302	41.05.050	AMD	6 E1	22
39.19.040	REP	269	1301	41.05.055	AMD	6 E1	4
39.29.040	AMD	80	1	41.05.065	AMD	6 E1	5
39.30.060	AMD	94	1	41.05.200	REP	6 E1	9
39.32.010	AMD	137	2	41.05.210	REP	6 E1	9
39.32.020	AMD	137	3	41.05.240	AMD	43	4
39.32.035	AMD	137	4	41.05.240	RECD	43	5
39.32.040	AMD	137	5	41.05.240	REP	6 E1	9
39.33.020	AMD	123	1	41.05.240	REP	6 E1	9
39.34.040	AMD	22	1	41.06.070	AMD	163	1
39.34.120	REP	22	2	41.06.072	AMD	399	59
39.44.130	REEN	38	5	41.06.089	DECD	399	220
39.44.210	AMD	399	54	41.06.150	REMD	18 E2	911
39.44.230	AMD	399	55	41.24	ADD	11	2,4,6
							8,10

"E1" Denotes 1995 1st special sess.

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"E2" Denotes 1995 2nd special sess.

**RCW SECTIONS AFFECTED BY 1995 STATUTES**

<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>	<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>	
41.24.010	AMD	11	1	41.40.198	REP 345	11
41.24.030	AMD	11	3	41.40.1981	REP 345	11
41.24.030	AMD	45	1	41.40.1983	REP 345	11
41.24.040	AMD	11	5	41.40.220	AMD 144	2
41.24.170	AMD	11	7	41.40.235	REMD 144	3
41.24.172	AMD	11	9	41.40.250	AMD 144	4
41.24.190	AMD	11	11	41.40.270	AMD 144	5
41.24.200	AMD	11	12	41.40.325	REP 345	11
41.24.240	REMD	11	13	41.40.660	AMD 144	6
41.26	ADD	145	1	41.40.670	AMD 144	7
41.26.460	AMD	144	17	41.40.700	AMD 144	8
41.26.470	AMD	144	18	41.45	ADD 239	311
41.26.510	AMD	144	19	41.45.010	AMD 239	305
41.26.510	AMD	245	1	41.45.020	AMD 239	306
41.26.540	AMD	245	2	41.45.030	AMD 233	1
41.32	ADD	145	2	41.45.040	REP 233	3
41.32	ADD	239	303	41.45.040	REP 239	326
			304	41.45.050	AMD 239	308
41.32	ADD	345	2-4	41.45.060	AMD 239	309
41.32.005	AMD	239	101	41.45.0601	REP 233	3
41.32.010	REMD	239	102	41.45.0601	REP 239	326
41.32.010	REMD	345	9	41.45.070	AMD 239	310
41.32.032	AMD	239	103	41.45.901	REP 239	326
41.32.487	REP	345	11	41.50	ADD 239	301
41.32.4871	REP	345	11			302
41.32.488	DECD	345	12			314
41.32.499	REP	345	11			315
41.32.500	REEN	134	13	41.50	ADD 387	1
41.32.520	AMD	144	9	41.50.030	AMD 239	316
41.32.522	AMD	144	10	41.50.032	REP 239	326
41.32.523	AMD	144	11	41.50.050	AMD 239	317
41.32.530	AMD	144	12	41.50.060	AMD 239	318
41.32.550	AMD	144	13	41.50.075	AMD 239	312
41.32.570	AMD	264	1	41.50.110	AMD 239	313
41.32.575	REP	345	11	41.50.150	AMD 244	1
41.32.775	REP	239	326	41.50.250	REP 239	326
41.32.785	AMD	144	14	41.50.255	AMD 281	1
41.32.790	AMD	144	15	41.54	ADD 239	320
41.32.805	AMD	144	16	41.54.030	AMD 239	319
41.40	ADD	145	3	41.56.030	REMD 273	1
41.40	ADD	286	2,3	41.56.460	REP 273	4
41.40	ADD	345	5-8	41.56.465	AMD 273	2
41.40.010	REMD	244	3	41.60.020	AMD 181	1
41.40.010	REMD	286	1	42.17	ADD 61	30
41.40.010	REMD	345	10	42.17	ADD 86	25
41.40.045	REP	286	6	42.17	ADD 161	15
41.40.062	AMD	286	4	42.17	ADD 285	15
41.40.160	AMD	286	5	42.17	ADD 341	3
41.40.188	AMD	144	1	42.17	ADD 397	16
41.40.195	REP	345	11	42.17.020	AMD 397	1

"E2" Denotes 1995 2nd special sess.

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"E1" Denotes 1995 1st special sess.

## RCW SECTIONS AFFECTED BY 1995 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.	
42.17.021	REP	397	43	ADD	403	601-
42.17.080	AMD	397				615
42.17.095	AMD	397				617
42.17.100	AMD	397				619-
42.17.105	AMD	397				621
42.17.125	AMD	397	43.01	ADD	215	3,5
42.17.132	AMD	397	43.01.225	AMD	215	2
42.17.155	AMD	397	43.01.230	AMD	215	1
42.17.160	AMD	397	43.03.011	AMD	1 E2	1
42.17.170	AMD	397	43.03.012	AMD	1 E2	2
42.17.190	AMD	397	43.03.013	AMD	1 E2	3
42.17.240	AMD	397	43.03.028	REMD	67	1
42.17.2401	REMD	397	43.03.305	AMD	3	1
42.17.2401	REMD	399	43.03.310	AMD	3	2
42.17.241	AMD	397	43.06.115	AMD	399	61
42.17.2415	REP	397	43.08.250	AMD	18 E2	912
42.17.260	AMD	341	43.08.260	AMD	399	62
42.17.260	AMD	397	43.09	ADD	301	2-5
42.17.280	AMD	397				8,14
42.17.290	AMD	397	43.09.010	AMD	301	1
42.17.300	AMD	341	43.09.030	REP	301	79
42.17.300	AMD	397	43.09.040	REP	301	79
42.17.310	REMD	267	43.09.170	AMD	301	6
42.17.313	AMD	18	43.09.180	AMD	301	7
42.17.320	AMD	397	43.09.190	REP	301	79
42.17.370	AMD	397	43.09.200	AMD	301	9
42.17.420	AMD	397	43.09.205	AMD	301	10
42.17.510	AMD	397	43.09.220	AMD	301	11
42.17.630	REP	397	43.09.230	AMD	301	12
42.17.640	AMD	397	43.09.240	AMD	301	13
42.17.720	AMD	397	43.09.250	REP	301	79
42.17.740	AMD	397	43.09.260	AMD	301	15
42.17.750	AMD	397	43.09.265	AMD	301	16
42.17.770	AMD	397	43.09.270	AMD	301	17
42.17.780	AMD	397	43.09.280	AMD	301	18
42.17.790	AMD	397	43.09.2801	AMD	301	19
42.24.080	AMD	301	43.09.282	AMD	301	20
42.24.090	AMD	301	43.09.290	AMD	301	21
42.24.115	AMD	30	43.09.300	REP	301	79
42.24.150	AMD	194	43.09.310	AMD	301	22
42.40.010	AMD	403	43.09.330	AMD	301	23
42.40.020	AMD	403	43.09.340	AMD	301	24
42.40.030	AMD	403	43.09.410	AMD	301	25
42.41.030	AMD	213	43.09.412	AMD	301	26
42.52.180	AMD	397	43.09.414	AMD	301	27
42.52.210	REP	397	43.09.416	AMD	301	28
43	ADD	6 E1	43.09.418	AMD	301	29
43	ADD	17 E2	43.10	ADD	369	64
43	ADD	265	43.12	ADD	403	101
43	ADD	350				622

"E1" Denotes 1995 1st special sess.

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"E2" Denotes 1995 2nd special sess.



## RCW SECTIONS AFFECTED BY 1995 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.		
43.17	ADD	19 E1	24	43.21A.515	AMD	399	67
43.17.020	REMD	2 E1	2	43.21A.612	AMD	399	68
43.17.065	AMD	226	24	43.21B.140	REP	382	8
43.17.260	REP	269	2401	43.21B.150	REP	382	8
43.17.270	REP	269	2401	43.21B.160	AMD	382	2
43.17.280	REP	269	2401	43.21B.170	AMD	382	3
43.17.290	REP	269	2401	43.21B.190	AMD	382	4.
43.17.300	REP	269	2401	43.21C	ADD	17?	1
43.19.190	AMD	269	1401	43.21C	ADD	3?7	202
43.19.1904	REP	269	1407	43.21C	ADD	3?8	12
43.19.1905	AMD	269	1402	43.21C.020	AMD	402	5
43.19.19052	AMD	269	1403	43.21C.031	AMD	347	203
43.19.1906	AMD	269	1404	43.21C.033	AMD	347	422
43.19.1919	AMD	14 E2	513	43.21C.075	AMD	347	204
43.19.1920	AMD	399	63	43.21C.080	AMD	347	205
43.19.19201	AMD	399	64	43.21C.110	AMD	347	206
43.19.1937	AMD	269	1405	43.21C.900	AMD	347	207
43.19.640	REP	23	1	43.21J.010	AMD	226	26
43.19.640	REP	135	8	43.22	ADD	160	7
43.19.645	REP	23	1	43.22	ADD	280	1,6
43.19.645	REP	135	8	43.22.340	AMD	280	2
43.19.650	REP	23	1	43.22.345	AMD	280	3
43.19.650	REP	135	8	43.22.350	AMD	280	4
43.19.655	REP	23	1	43.22.360	AMD	280	7
43.19.655	REP	135	8	43.22.360	AMD	289	1
43.19.660	REP	23	1	43.22.370	AMD	280	8
43.19.660	REP	135	8	43.22.380	AMD	280	9
43.19.665	REP	23	1	43.22.390	AMD	280	10
43.19.665	REP	135	8	43.22.400	AMD	280	11
43.19A.020	AMD	269	1406	43.22.410	AMD	280	12
43.20A	ADD	403	102	43.22.420	AMD	280	13
43.20A.037	AMD	399	65	43.22.434	AMD	280	5
43.20A.730	REP	269	1601	43.22.480	AMD	289	2
43.20A.750	AMD	226	25	43.22.495	AMD	399	69
43.20A.750	AMD	269	1901	43.23	ADD	374	61-65
43.20B.080	AMD	18 E1	67	43.23	ADD	403	104
43.211.005	AMD	14 E2	514				623
43.211.005	RECD	14 E2	523	43.23.035	AMD	399	70
43.211.010	AMD	14 E2	515	43.24	ADD	403	107
43.211.010	RECD	14 E2	523				624
43.211.020	REP	14 E2	524	43.30	ADD	378	13
43.211.030	AMD	14 E2	516	43.30	ADD	403	625
43.211.030	RECD	14 E2	523	43.31.093	AMD	399	71
43.211.040	AMD	14 E2	517	43.31.601	AMD	226	1
43.211.040	RECD	14 E2	523	43.31.611	AMD	226	2
43.21A	ADD	8	2	43.31.621	AMD	226	3
43.21A	ADD	14 E2	523	43.31.631	REP	226	33
43.21A.064	AMD	8	3	43.31.631	REP	269	1902
43.21A.080	AMD	403	103	43.31.641	AMD	226	4
43.21A.510	AMD	399	66	43.31.651	AMD	226	10

"E2" Denotes 1995 2nd special sess.

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"E1" Denotes 1995 1st special sess.

**RCW SECTIONS AFFECTED BY 1995 STATUTES**

<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>	<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>
43.31.661	REP	226	43.70	ADD	43 1-3,5
43.31.960	AMD	399	43.70	ADD	147 7
43.33A	ADD	239	43.70	ADD	265 19
43.43	ADD	145	43.70	ADD	267 1-4
43.43	ADD	369	43.70	ADD	403 626
43.43.510	AMD	312	43.70.010	AMD	269 2201
43.43.670	AMD	398	43.70.040	AMD	403 105
43.43.710	AMD	369	43.70.070	AMD	269 2202
43.43.815	AMD	169	43.70.330	AMD	399 75
43.43.830	AMD	250	43.70.510	AMD	267 7
43.43.832	AMD	250	43.70.540	AMD	399 76
43.43.838	AMD	29	43.72	ADD	267 10
43.43.839	AMD	169	43.72.005	REP	265 27
43.51	ADD	211	43.72.010	REP	265 27
43.51.047	AMD	211	43.72.020	REP	265 27
43.51.060	AMD	211	43.72.030	REP	265 27
43.51.270	AMD	211	43.72.040	REP	265 27
43.51.280	REP	211	43.72.050	REP	265 27
43.51.685	AMD	203	43.72.060	REP	265 27
43.52.373	REP	269	43.72.070	REP	265 27
43.60A.080	AMD	25	43.72.070	REP	267 12
43.62.035	AMD	162	43.72.080	REP	265 27
43.63A	ADD	226	43.72.090	AMD	2 1
43.63A	ADD	269	43.72.090	REP	265 27
43.63A	ADD	353	43.72.100	REP	265 27
43.63A.190	AMD	159	43.72.110	REP	265 27
43.63A.300	AMD	369	43.72.120	REP	265 27
43.63A.300	RECD	369	43.72.130	REP	265 27
43.63A.310	AMD	369	43.72.140	REP	265 27
43.63A.310	RECD	369	43.72.150	REP	265 27
43.63A.320	AMD	243	43.72.160	REP	265 27
43.63A.320	AMD	369	43.72.170	REP	265 27
43.63A.320	RECD	369	43.72.180	AMD	2 2
43.63A.330	AMD	369	43.72.180	REP	265 27
43.63A.330	RECD	369	43.72.190	REP	265 27
43.63A.340	AMD	369	43.72.200	REP	265 27
43.63A.340	RECD	369	43.72.210	REP	265 27
43.63A.350	AMD	369	43.72.220	REP	265 27
43.63A.350	RECD	369	43.72.225	REP	265 27
43.63A.360	AMD	369	43.72.230	REP	6 E1 9
43.63A.360	RECD	369	43.72.230	REP	265 27
43.63A.370	AMD	369	43.72.240	REP	265 27
43.63A.370	RECD	369	43.72.300	REP	265 27
43.63A.375	RECD	369	43.72.310	AMD	267 8
43.63A.377	AMD	369	43.72.310	REP	265 27
43.63A.377	RECD	369	43.72.800	REP	265 27
43.63A.380	RECD	369	43.72.810	REP	265 27
43.63A.440	AMD	226	43.72.820	REP	265 27
43.63A.465	AMD	399	43.72.830	REP	265 27
43.63A.600	AMD	226	43.72.840	REP	265 27

"E1" Denotes 1995 1st special sess.

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"E2" Denotes 1995 2nd special sess.

## RCW SECTIONS AFFECTED BY 1995 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.	
43.72.850	AMD	81	43.143.010	AMD	339	1
43.72.860	AMD	81	43.143.040	AMD	399	83
43.72.870	REP	265	43.150.030	AMD	269	2301
43.72.902	AMD	43	43.150.040	AMD	399	84
43.72.915	AMD	43	43.150.060	REP	269	2302
43.79.201	AMD	399	43.155	ADD	363	2
43.79.445	AMD	398	43.155.020	AMD	399	85
43.79A.040	REMD	365	43.155.050	AMD	18 E2	918
43.79A.040	REMD	394	43.155.050	AMD	376	11
43.80.125	REEN	38	43.155.070	AMD	363	3
43.83.184	AMD	399	43.160.020	REMD	226	14
43.84.092	REMD	122	43.160.030	AMD	399	86
43.84.092	REMD	394	43.160.076	AMD	226	15
43.85	ADD	211	43.160.115	AMD	399	87
43.88	ADD	403	43.160.180	AMD	399	88
43.88.020	AMD	155	43.160.200	REMD	226	16
43.88.150	AMD	6	43.163.020	AMD	399	89
43.88.240	AMD	374	43.163.060	AMD	399	90
43.99	ADD	166	43.165.010	AMD	399	91
43.99.030	AMD	166	43.168.020	AMD	226	27
43.99.040	AMD	166	43.168.031	AMD	399	92
43.99.060	AMD	166	43.168.140	AMD	226	28
43.99.070	AMD	166	43.170.020	AMD	399	93
43.99.080	AMD	166	43.170.030	AMD	399	94
43.99.095	AMD	166	43.170.070	AMD	399	95
43.99.120	AMD	166	43.172.011	AMD	399	96
43.99.144	REP	166	43.172.020	AMD	399	97
43.99.150	AMD	166	43.180.040	AMD	399	98
43.99H.070	AMD	215	43.180.200	AMD	399	99
43.103.010	AMD	398	43.185.015	AMD	399	100
43.103.020	AMD	398	43.185.020	AMD	399	101
43.103.030	AMD	398	43.185A.010	AMD	399	102
43.103.040	AMD	398	43.185A.020	AMD	399	103
43.103.050	AMD	398	43.185B.010	AMD	399	104
43.103.070	AMD	398	43.190.020	AMD	18 E1	32
43.103.090	AMD	398	43.190.030	AMD	399	105
43.105.017	AMD	14 E2	43.190.060	AMD	18 E1	33
43.105.041	AMD	14 E2	43.210.030	AMD	399	106
43.117.010	AMD	67	43.210.050	AMD	399	107
43.117.020	AMD	67	43.210.060	AMD	399	108
43.117.030	AMD	67	43.210.070	AMD	399	109
43.117.070	AMD	67	43.210.100	AMD	399	110
43.117.080	AMD	67	43.210.110	AMD	226	29
43.131	ADD	226	43.210.120	AMD	399	111
43.131	ADD	347	43.220.070	AMD	399	112
			43.280	ADD	241	1
43.132.020	AMD	399	43.280.020	AMD	399	113
43.132.030	AMD	399	43.280.060	AMD	399	114
43.133.030	AMD	399	43.280.070	AMD	399	115
43.133.050	AMD	399	43.300	ADD	403	627

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"E1" Denotes 1995 1st special sess.

## RCW SECTIONS AFFECTED BY 1995 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
43.310.020	AMD	399	46.55.063	AMD	360
43.320.011	AMD	238	46.55.090	AMD	360
43.320.013	AMD	238	46.55.100	AMD	360
43.320.060	AMD	238	46.55.105	AMD	219
43.320.110	AMD	238	46.55.110	AMD	360
43.330	ADD	13	46.55.120	AMD	360
44.05.100	AMD	88	46.55.140	AMD	360
46.01.110	AMD	403	46.61	ADD	332
46.04	ADD	332	46.61.015	AMD	50
46.04.015	AMD	332	46.61.020	AMD	50
46.04.480	AMD	332	46.61.380	AMD	269
46.04.521	AMD	141	46.61.5051	REP	332
46.08.150	AMD	384	46.61.5052	REP	332
46.08.172	AMD	215	46.61.5053	REP	332
46.08.190	AMD	136	46.61.5054	AMD	332
46.09	ADD	166	46.61.5054	AMD	398
46.09.170	AMD	166	46.61.5056	AMD	332
46.12	ADD	256	46.61.5058	AMD	332
46.12.030	AMD	256	46.61.506	AMD	332
46.12.030	AMD	274	46.61.5151	AMD	332
46.12.295	AMD	399	46.61.625	AMD	360
46.12.310	AMD	256	46.63.020	REMD	16 E1
46.12.360	REP	256	46.63.020	REMD	256
46.12.380	AMD	254	46.63.020	REMD	332
46.16.340	AMD	391	46.63.030	AMD	219
46.16.381	AMD	384	46.68.041	AMD	3 E2
46.20	ADD	332	46.70.023	AMD	7
46.20.031	AMD	219	46.70.180	AMD	256
46.20.289	AMD	219	46.80	ADD	256
46.20.308	AMD	332			14,19
46.20.309	AMD	332			20
46.20.309	RECD	332	46.80.005	AMD	256
46.20.311	AMD	332	46.80.010	AMD	256
46.20.355	AMD	17 E1	46.80.020	AMD	256
46.20.355	AMD	332	46.80.040	AMD	256
46.20.365	REP	332	46.80.050	AMD	256
46.20.391	AMD	332	46.80.055	REP	256
46.20.435	AMD	360	46.80.060	AMD	256
46.25.050	AMD	393	46.80.070	AMD	256
46.32	ADD	272	46.80.080	AMD	256
46.37	ADD	141	46.80.090	AMD	256
46.37	ADD	360	46.80.100	AMD	256
46.37.193	AMD	141	46.80.110	AMD	256
46.37.467	AMD	369	46.80.130	AMD	256
46.44.030	AMD	26	46.80.150	AMD	256
46.44.041	REMD	171	46.80.160	AMD	256
46.44.0941	REMD	171	46.80.170	AMD	256
46.44.175	REEN	38	46.80.900	AMD	256
46.52.100	AMD	219	47.02.160	AMD	274
46.55	ADD	360	47.06.110	AMD	399
			47.10.793	AMD	274

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"E2" Denotes 1995 2nd special sess.

## RCW SECTIONS AFFECTED BY 1995 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
47.10.804	AMD	274	7	47.68.236	AMD 170 4
47.10.815	AMD	274	8	47.68.250	AMD 170 3
47.10.822	AMD	274	9	47.68.340	AMD 153 2
47.10.829	AMD	274	10	47.68.370	REP 153 3
47.10.834	AMD	15 E2	2	47.76.200	AMD 380 1
47.10.836	AMD	15 E2	3	47.76.210	AMD 380 2
47.10.837	AMD	15 E2	4	47.76.220	AMD 380 3
47.10.838	AMD	15 E2	5	47.76.230	AMD 380 4
47.10.839	AMD	15 E2	6	47.76.240	AMD 380 5
47.10.840	REP	15 E2	8	47.76.250	AMD 380 6
47.10.841	AMD	15 E2	7	47.76.260	REP 380 10
47.12.064	AMD	399	121	47.76.270	AMD 380 7
47.13.020	AMD	271	1	47.76.280	AMD 380 8
47.26.121	AMD	269	2603	47.78.010	AMD 14 E2 528
47.26.140	AMD	269	2605	48	ADD 161 1-13
47.26.160	AMD	269	2607	48	ADD 265 2.3
47.26.424	AMD	274	11	48	ADD 285 1-14
47.26.4252	AMD	274	12	48.01	ADD 34 1-3
47.26.4254	AMD	274	13	48.01.030	AMD 285 16
47.26.504	AMD	274	14	48.01.180	AMD 34 4
47.28.140	AMD	402	23	48.01.190	AMD 10 1
47.39.040	AMD	399	122	48.01.200	REP 265 27
47.39.090	AMD	399	123	48.01.210	REP 265 27
47.40.100	AMD	106	1	48.03.060	REEN 152 2
47.46.010	AMD	19 E2	1	48.05	ADD 83 1-13
47.46.030	AMD	19 E2	2	48.05	ADD 86 1-6
47.46.040	AMD	19 E2	3	48.05.310	AMD 338 1
47.46.050	AMD	19 E2	4	48.05.320	AMD 369 24
47.50.090	AMD	399	124	48.05.340	AMD 83 14
47.56.030	AMD	4 E1	1	48.12.040	AMD 35 1
47.56.749	AMD	274	15	48.12.090	AMD 35 2
47.56.750	AMD	274	16	48.12.100	AMD 35 3
47.56.771	AMD	274	17	48.12.120	AMD 35 4
47.60	ADD	14 E2	558	48.12.130	AMD 35 5
47.60.140	AMD	4 E1	2	48.13.270	AMD 84 1
47.60.580	AMD	274	18	48.14.022	AMD 304 1
47.60.651	REP	4 E1	3	48.17.060	AMD 214 1
47.60.653	REP	4 E1	3	48.17.190	AMD 214 2
47.60.655	REP	4 E1	3	48.18.460	AMD 285 17
47.60.657	REP	4 E1	3	48.20	ADD 1 21
47.60.659	REP	4 E1	3	48.20	ADD 265 13
47.60.661	REP	4 E1	3	48.20.540	REP 265 27
47.60.806	AMD	274	19	48.21	ADD 1 22
47.64.270	AMD	6 E1	6	48.21	ADD 265 22
47.66.020	REP	269	2608	48.21.045	AMD 265 14
47.66.030	AMD	269	2604	48.21.340	REP 265 27
47.66.040	AMD	269	2606	48.22.071	REP 269 2701
47.66.050	REP	269	2608	48.22.072	REP 269 2701
47.66.060	REP	269	2608	48.30.210	AMD 285 18
47.68	ADD	153	1	48.30.220	AMD 285 19

"E2" Denotes 1995 2nd special sess.

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"E1" Denotes 1995 1st special sess.

## RCW SECTIONS AFFECTED BY 1995 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.	
48.41.100	AMD	34	5	48.50.020	AMD 369	36
48.42	ADD	389	1	48.50.030	AMD 285	22
48.43	ADD	1	23	48.50.040	AMD 285	23
48.43	ADD	86	7-12	48.50.040	AMD 369	37
48.43	ADD	265	4-8	48.50.060	REP 285	37
			20,25	48.50.075	AMD 285	24
48.43.010	REP	265	27	48.50.080	REP 285	37
48.43.020	REP	265	27	48.53.020	AMD 369	38
48.43.030	REP	265	27	48.53.060	AMD 369	39
48.43.040	REP	265	27	48.56.100	AMD 72	1
48.43.050	REP	265	27	48.66	ADD 85	3
48.43.060	REP	265	27	48.66.020	AMD 85	1
48.43.070	REP	265	27	48.66.130	AMD 85	2
48.43.080	REP	265	27	48.80.020	AMD 285	25
48.43.090	REP	265	27	48.85.010	AMD 18 E1	76
48.43.100	REP	265	27	48.85.020	AMD 18 E1	77
48.43.110	REP	265	27	48.85.030	AMD 18 E1	78
48.43.120	REP	265	27	48.85.040	AMD 18 E1	79
48.43.130	REP	265	27	48.85.050	AMD 18 E1	80
48.43.140	REP	265	27	49.04.100	AMD 67	7
48.43.150	REP	265	27	49.17	ADD 371	2
48.43.160	REP	265	27	49.17.180	AMD 403	629
48.43.170	REP	265	27	49.26.013	AMD 218	1
48.44	ADD	1	24	49.26.016	AMD 218	2
48.44	ADD	86	13-18	49.26.100	AMD 218	3
48.44	ADD	265	15,23	49.26.110	AMD 218	4
48.44.023	AMD	265	16	49.26.115	AMD 218	5
48.44.480	REP	265	27	49.26.120	AMD 218	6
48.44.490	REP	265	27	49.44.070	REP 285	37
48.46	ADD	1	25	49.46.130	AMD 5	1
48.46	ADD	64	1	49.60.010	AMD 259	1
48.46	ADD	86	19-24	49.60.030	REMD 135	3
48.46	ADD	265	17,24	49.60.040	REMD 259	2
48.46.066	AMD	265	18	49.60.222	REMD 259	3
48.46.550	REP	265	27	49.60.225	REMD 259	4
48.46.560	REP	265	27	49.60.227	AMD 292	18
48.48.030	AMD	369	25	49.60.240	REMD 259	5
48.48.040	AMD	369	26	49.60.260	AMD 259	6
48.48.050	AMD	369	27	50.04	ADD 120	1
48.48.060	AMD	369	28	50.04	ADD 242	1
48.48.065	AMD	369	29	50.04.320	AMD 296	1
48.48.070	AMD	369	30	50.12.040	AMD 403	109
48.48.080	AMD	369	31	50.12.270	AMD 226	30
48.48.090	AMD	369	32	50.16.094	AMD 57	1
48.48.110	AMD	369	33	50.20	ADD 381	2
48.48.120	REP	369	71	50.20.010	AMD 381	1
48.48.140	AMD	369	34	50.20.190	AMD 90	1
48.48.150	AMD	369	35	50.22.090	AMD 57	2
48.50.010	AMD	285	20	50.22.090	AMD 226	5
48.50.020	AMD	285	21	50.29	ADD 322	1

"E1" Denotes 1995 1st special sess.

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"E2" Denotes 1995 2nd special sess.

## RCW SECTIONS AFFECTED BY 1995 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.		
50.29.020	AMD	57	3	58.17.090	AMD	347	426
50.29.025	REMD	4	1	58.17.092	AMD	347	427
50.29.025	REMD	1	2	58.17.100	AMD	347	428
50.29.062	AMD	56	1	58.17.110	AMD	32	3
50.38.030	AMD	399	142	58.17.140	AMD	68	1
50.44.050	AMD	296	2	58.17.180	AMD	347	717
50.44.053	AMD	296	3	58.17.330	AMD	347	429
50.62.030	REEN	135	4	59.18.440	AMD	399	151
50.70.010	AMD	226	31	59.21	ADD	122	4-6
50.70.020	AMD	226	32	59.21.005	REEN	122	2
51.08.013	AMD	179	1	59.21.010	AMD	122	3
51.12.120	AMD	199	1	59.21.020	REP	122	13
51.14.020	AMD	31	1	59.21.030	AMD	122	7
51.16.200	AMD	160	1	59.21.035	REP	122	13
51.24.030	AMD	199	2	59.21.040	AMD	122	8
51.24.050	AMD	199	3	59.21.050	AMD	122	9
51.24.060	AMD	199	4	59.21.070	AMD	122	10
51.24.090	AMD	199	5	59.21.080	REP	122	13
51.32	ADD	276	1	59.21.085	REP	122	13
51.32.020	AMD	160	2	59.21.095	REP	122	13
51.32.040	AMD	160	3	59.21.105	REMD	122	11
51.32.050	AMD	199	6	59.21.900	REP	122	13
51.32.160	AMD	253	2	59.21.901	REP	122	13
51.48.020	AMD	160	4	59.21.902	REP	122	13
51.48.120	AMD	160	5	59.21.903	REP	122	13
51.48.150	AMD	160	6	59.22.010	AMD	399	154
51.52.060	AMD	199	7	59.22.020	AMD	399	155
51.52.060	AMD	253	1	59.22.070	AMD	399	156
52.06.050	AMD	79	1	59.24.020	AMD	399	157
52.12.031	AMD	369	65	59.24.050	AMD	399	158
53.06.060	AMD	301	74	59.24.060	AMD	399	159
53.08.070	AMD	146	1	59.28.040	AMD	399	160
53.36.030	AMD	102	1	59.28.050	AMD	399	161
54.04.082	AMD	354	1	59.28.060	AMD	399	162
54.16.285	AMD	399	144	59.28.110	AMD	399	163
54.24.080	AMD	140	3	60.08.040	AMD	62	4
54.52.010	AMD	399	145	60.10	ADD	62	2,18
54.52.020	AMD	399	146	60.10.020	AMD	62	5
56.08.110	AMD	301	75	60.10.040	AMD	62	6
56.08.200	AMD	376	14	60.10.050	AMD	62	7
56.24.205	AMD	279	1	60.34.040	AMD	62	8
56.40.010	AMD	399	147	60.36.020	AMD	62	9
56.40.020	AMD	399	148	60.36.050	AMD	62	10
57.08.110	AMD	301	76	60.52.040	AMD	62	11
57.08.180	AMD	376	15	60.70	ADD	19	2,3
57.24.210	AMD	279	2	60.70.010	AMD	19	1
57.46.010	AMD	399	149	60.70.030	AMD	19	4
57.46.020	AMD	399	150	60.72.040	AMD	62	12
58.17	ADD	32	1	61.12.162	AMD	62	1
58.17.020	AMD	32	2	61.12.162	RECD	62	18

"E2" Denotes 1995 2nd special sess.

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"E1" Denotes 1995 1st special sess.

## RCW SECTIONS AFFECTED BY 1995 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.		
61.12.164	DECD	62	17	62A.8-318	REP	48	52
61.12.165	DECD	62	17	62A.8-319	REP	48	52
61.16.010	AMD	62	13	62A.8-320	REP	48	52
61.16.020	AMD	62	14	62A.8-321	REP	48	52
61.16.030	AMD	62	15	62A.8-401	AMD	48	34
61.16.060	REP	62	16	62A.8-402	AMD	48	35
62A	ADD	48	9-16	62A.8-403	AMD	48	36
			25,26	62A.8-404	AMD	48	37
			41-51	62A.8-405	AMD	48	38
			61,62	62A.8-406	AMD	48	39
62A.1-105	REMD	48	54	62A.8-407	AMD	48	40
62A.1-206	AMD	48	55	62A.8-408	REP	48	52
62A.3-118	AMD	74	1	62A.9-103	AMD	48	58
62A.3-515	AMD	187	1	62A.9-105	AMD	48	59
62A.4-104	AMD	48	56	62A.9-106	AMD	48	60
62A.4-406	AMD	107	1	62A.9-203	AMD	48	63
62A.5-114	AMD	48	57	62A.9-301	AMD	48	64
62A.8-101	AMD	48	1	62A.9-302	REMD	48	65
62A.8-102	AMD	48	2	62A.9-304	AMD	48	66
62A.8-103	AMD	48	3	62A.9-305	AMD	48	67
62A.8-104	AMD	48	4	62A.9-306	AMD	48	68
62A.8-105	AMD	48	5	62A.9-309	AMD	48	69
62A.8-106	AMD	48	6	62A.9-312	AMD	48	70
62A.8-107	AMD	48	7	62A.10-104	AMD	48	71
62A.8-108	AMD	48	8	63.10	ADD	112	3,5
62A.8-201	AMD	48	17				
62A.8-202	AMD	48	18	63.10.020	AMD	112	1
62A.8-203	AMD	48	19	63.10.040	AMD	112	2
62A.8-204	AMD	48	20	63.10.050	AMD	112	4
62A.8-205	AMD	48	21	63.14	ADD	249	4
62A.8-206	AMD	48	22	63.14.135	REP	249	1
62A.8-207	AMD	48	23	64	ADD	98	1-8
62A.8-208	AMD	48	24	64	ADD	283	1-10
62A.8-301	AMD	48	27	64.40	ADD	347	421
62A.8-302	AMD	48	28	65.12.780	AMD	292	19
62A.8-303	AMD	48	29	65.16.160	AMD	157	1
62A.8-304	AMD	48	30	66.08	ADD	159	3,4
62A.8-305	AMD	48	31	66.08.180	AMD	398	16
62A.8-306	AMD	48	32	66.08.190	AMD	159	1
62A.8-307	AMD	48	33	66.08.195	AMD	159	2
62A.8-308	REP	48	52	66.12.120	AMD	100	1
62A.8-309	REP	48	52	66.16.040	AMD	16	1
62A.8-310	REP	48	52	66.20	ADD	51	2-7
62A.8-311	REP	48	52	66.24.010	AMD	232	1
62A.8-312	REP	48	52	66.24.025	AMD	232	2
62A.8-313	REP	48	52	66.24.210	AMD	232	3
62A.8-314	REP	48	52	66.24.290	AMD	232	4
62A.8-315	REP	48	52	66.24.300	AMD	232	5
62A.8-316	REP	48	52	66.24.320	AMD	232	6
62A.8-317	REP	48	52	66.24.330	AMD	232	7

"E1" Denotes 1995 1st special sess.

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"E2" Denotes 1995 2nd special sess.



**RCW SECTIONS AFFECTED BY 1995 STATUTES**

<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>	<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>
66.24.420	AMD	55	1	69.30.030	AMD 147 2
66.24.490	AMD	232	9	69.30.050	AMD 147 3
66.28.180	AMD	232	10	69.30.110	AMD 147 4
66.44	ADD	100	2	69.30.120	AMD 147 5
67	ADD	200	2-6	69.30.140	AMD 147 6
67.16.100	AMD	399	166	69.50.520	AMD 18 E2 919
67.16.105	AMD	173	2	70	ADD 20 1-11
67.28	ADD	340	1	70	ADD 220 1-10
67.28.180	AMD	14 E1	10	70.02.070	AMD 292 20
67.28.180	REMD	386	8	70.05	ADD 15 E1 1
67.28.182	AMD	386	9	70.05	ADD 263 1
67.28.210	AMD	290	1	70.05.030	AMD 43 6
67.28.240	AMD	386	10	70.05.035	AMD 43 7
67.28.250	REP	386	11	70.05.050	AMD 43 8
67.28.270	AMD	290	2	70.08.040	AMD 43 9
67.38.070	AMD	399	167	70.08.040	AMD 188 1
67.40	ADD	386	1-7	70.12.070	AMD 301 77
67.40.020	AMD	386	12	70.38.111	AMD 18 E1 71
67.40.040	AMD	386	13	70.38.115	AMD 18 E1 72
67.40.045	AMD	386	14	70.41	ADD 18 E1 3-5
67.40.090	AMD	386	15	70.41	ADD 64 3
68.46.050	AMD	18 E1	65	70.41	ADD 282 6
68.50.107	AMD	398	10	70.41.030	AMD 282 1
68.50.540	AMD	132	1	70.41.040	AMD 282 3
68.60.030	AMD	399	168	70.41.080	AMD 369 40
69	ADD	374	8-19	70.41.120	AMD 282 4
69.04	ADD	374	20	70.46	ADD 43 11
69.07.040	REMD	374	21	70.46.020	AMD 43 10
69.07.085	AMD	374	23	70.47	ADD 265 1
69.07.100	AMD	374	22	70.47	ADD 266 3
69.08.010	REP	374	24	70.47.020	AMD 2 3
69.08.020	REP	374	24	70.47.020	AMD 266 2
69.08.030	REP	374	24	70.47.030	AMD 18 E2 913
69.08.040	REP	374	24	70.47.060	AMD 2 4
69.08.045	REP	374	24	70.47.060	AMD 266 1
69.08.050	REP	374	24	70.47.065	REP 266 4
69.08.060	REP	374	24	70.54.110	AMD 220 11
69.08.070	REP	374	24	70.75.020	AMD 369 41
69.08.080	REP	374	24	70.75.030	AMD 369 42
69.08.090	REP	374	24	70.75.040	AMD 369 43
69.25.020	AMD	374	25	70.77	ADD 61 1,6
69.25.050	AMD	374	26		
69.25.150	AMD	374	27		
69.25.170	AMD	374	28	70.77.124	AMD 61 2
69.25.250	AMD	374	29	70.77.126	AMD 61 3
69.25.310	AMD	374	30	70.77.131	AMD 61 4
69.25.320	AMD	374	31	70.77.136	AMD 61 5
69.25.330	REP	374	32	70.77.146	AMD 61 8
69.25.340	REP	374	32	70.77.170	AMD 369 44
69.30.010	AMD	147	1	70.77.180	AMD 61 9

"E2" Denotes 1995 2nd special sess.

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"E1" Denotes 1995 1st special sess.

## RCW SECTIONS AFFECTED BY 1995 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.		
70.77.200	AMD	61	10	70.94.055	REMD 135	6	
70.77.205	AMD	61	11	70.94.120	AMD	261	2
70.77.250	AMD	61	12	70.94.222	REP	135	8
70.77.250	AMD	369	45	70.94.431	AMD	403	630
70.77.255	AMD	61	13	70.94.457	AMD	205	3
70.77.270	AMD	61	14	70.94.460	AMD	205	4
70.77.280	AMD	61	15	70.94.473	AMD	205	1
70.77.285	AMD	61	16	70.94.477	AMD	205	2
70.77.305	AMD	369	46	70.94.531	AMD	14 E2	530
70.77.311	AMD	61	17	70.94.537	AMD	399	188
70.77.315	AMD	61	18	70.94.650	AMD	58	1
70.77.315	AMD	369	47	70.94.650	AMD	362	1
70.77.330	AMD	369	48	70.94.656	AMD	261	1
70.77.343	AMD	61	19	70.94.665	AMD	143	1
70.77.345	AMD	61	20	70.94.745	AMD	206	1
70.77.360	AMD	369	49	70.94.775	AMD	362	2
70.77.365	AMD	369	50	70.95.260	AMD	399	189
70.77.375	AMD	61	21	70.95.265	AMD	399	190
70.77.375	AMD	369	51	70.95.810	AMD	399	191
70.77.395	AMD	61	22	70.95B	ADD	269	2908
70.77.415	AMD	369	52	70.95B.020	AMD	269	2901
70.77.430	AMD	369	53	70.95B.040	AMD	269	2902
70.77.435	AMD	61	23	70.95B.070	REP	269	2907
70.77.440	AMD	61	24	70.95B.100	AMD	269	2903
70.77.455	AMD	61	25	70.95D	ADD	269	2804
70.77.455	AMD	369	54	70.95D.010	AMD	269	2801
70.77.460	AMD	369	55	70.95D.050	REP	269	2803
70.77.465	AMD	369	56	70.95D.060	AMD	269	2802
70.77.465	REP	61	31	70.95E.010	AMD	207	1
70.77.555	AMD	61	26	70.95E.020	REMD	207	2
70.77.575	AMD	369	57	70.95E.050	AMD	207	3
70.77.580	AMD	369	58	70.95E.090	AMD	207	4
70.79.070	AMD	41	1	70.95H.007	AMD	399	192
70.89.005	REP	343	8	70.95H.020	AMD	399	193
70.89.010	REP	343	8	70.95H.050	AMD	399	194
70.89.021	REP	343	8	70.96A	ADD	54	2,3
70.89.031	REP	343	8	70.96A	ADD	312	48
70.89.040	REP	343	8	70.96A.090	AMD	312	46
70.89.050	REP	343	8	70.96A.095	AMD	312	47
70.89.060	REP	343	8	70.96A.140	AMD	312	49
70.89.070	REP	343	8	70.96A.400	AMD	321	1
70.89.900	REP	343	8	70.96A.410	AMD	321	2
70.89.910	REP	343	8	70.96A.420	AMD	321	3
70.92.110	AMD	343	3	70.105.080	AMD	403	631
70.92.120	AMD	343	4	70.105D.020	AMD	70	1
70.92.130	AMD	343	5	70.105D.030	REMD	70	2
70.92.150	AMD	343	6	70.108.040	AMD	369	59
70.92.160	AMD	343	7	70.116.050	AMD	376	7
70.94	ADD	403	117	70.116.060	AMD	376	2
70.94.053	REMD	135	5	70.116.070	AMD	376	13

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"E2" Denotes 1995 2nd special sess.

## RCW SECTIONS AFFECTED BY 1995 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.		
70.119	ADD	269	2909	70.170.120	REP	265	27
70.119.020	AMD	269	2904	70.170.120	REP	267	12
70.119.030	AMD	376	6	70.170.130	REP	265	27
70.119.050	AMD	269	2905	70.170.130	REP	267	12
70.119.080	REP	269	2907	70.170.140	REP	265	27
70.119.110	AMD	269	2906	70.170.140	REP	267	12
70.119A	ADD	376	4,10	70.190.010	AMD	399	200
70.119A.040	AMD	376	8	71.09	ADD	216	10-13
70.119A.060	AMD	376	3				16-21
70.119A.130	AMD	376	9	71.09.020	AMD	216	1
70.128	ADD	18 E1	21	71.09.025	AMD	216	2
			25	71.09.030	AMD	216	3
			30	71.09.040	AMD	216	4
70.128.005	AMD	260	1	71.09.050	AMD	216	5
70.128.007	AMD	18 E1	19	71.09.060	AMD	216	6
70.128.010	AMD	260	2	71.09.070	AMD	216	7
70.128.040	AMD	260	3	71.09.080	AMD	216	8
70.128.057	AMD	18 E1	20	71.09.090	AMD	216	9
70.128.060	AMD	260	4	71.09.100	REP	216	22
70.128.070	AMD	18 E1	22	71.09.110	AMD	216	14
70.128.080	AMD	18 E1	23	71.12.485	AMD	369	61
70.128.090	AMD	18 E1	24	71.24.025	REMD	96	4
70.128.120	AMD	18 E1	117	71.24.400	AMD	96	1
70.128.120	AMD	260	5	71.24.405	AMD	96	2
70.128.130	AMD	260	6	71.24.415	AMD	96	3
70.128.140	AMD	18 E1	26	71.34	ADD	312	56,58
70.128.150	AMD	18 E1	27	71.34.030	AMD	312	52
70.128.160	AMD	18 E1	28	71.34.050	AMD	312	53
70.128.175	AMD	18 E1	29	71.34.070	AMD	312	54
70.128.180	AMD	399	196	71A.10	ADD	383	1
70.128.180	REP	18 E1	31	72.09	ADD	19 E1	4,5
70.129.040	AMD	18 E1	66				7-13
70.132.050	AMD	403	632				15
70.136.030	AMD	399	197				21,23
70.138.040	AMD	403	633	72.09	ADD	189	2
70.146.020	AMD	18 E2	920	72.09	ADD	234	2
70.146.030	AMD	18 E2	921	72.09.010	AMD	19 E1	2
70.148	ADD	20	12	72.09.015	AMD	19 E1	3
70.148.050	AMD	12	1	72.09.020	REP	19 E1	36
70.148.900	AMD	12	2	72.09.050	AMD	189	1
70.160.060	AMD	369	60	72.09.055	AMD	399	202
70.164.020	AMD	399	199	72.09.100	AMD	19 E1	33
70.170.020	AMD	269	2203	72.09.130	AMD	19 E1	6
70.170.030	REP	269	2204	72.10.010	AMD	19 E1	16
70.170.040	REP	269	2204	72.10.020	AMD	19 E1	17
70.170.080	REP	267	13	72.65.210	AMD	399	203
70.170.100	REP	265	27	74.08.290	AMD	379	2
70.170.100	REP	267	12	74.08.530	RECD	18 E1	34
70.170.110	REP	265	27	74.08.541	REP	18 E.	35
70.170.110	REP	267	12	74.08.545	AMD	18 E1	36

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"E1" Denotes 1995 1st special sess.

## RCW SECTIONS AFFECTED BY 1995 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.		
74.08.545	RECD	18 E1	34	74.34.100	AMD	18 E1	83
74.08.550	AMD	18 E1	40	74.34.100	RECD	18 E1	89
74.08.550	RECD	18 E1	34	74.39.005	AMD	18 E1	10
74.08.560	RECD	18 E1	34	74.39A	ADD	18 E1	1,2
74.08.570	AMD	18 E1	41				6,12
74.08.570	RECD	18 E1	34				13,15-
74.09	ADD	34	6				17,34
74.09.240	AMD	319	1				37,38
74.09.520	AMD	18 E1	39				55-57
74.09.585	AMD	18 E1	81	74.39A.010	AMD	18 E1	14
74.12	ADD	401	2,3	74.42	ADD	18 E1	7-9
74.13	ADD	311	14,26	74.42.020	AMD	18 E1	68
74.13	ADD	312	61	74.42.450	AMD	18 E1	64
74.13.031	AMD	191	1	74.42.600	AMD	282	5
74.13.032	AMD	312	60	74.46	ADD	18 E1	69
74.13.033	AMD	312	62				98
74.13.034	AMD	312	63	74.46.020	AMD	18 E1	90
74.13.036	AMD	312	65	74.46.105	AMD	18 E1	91
74.13.090	AMD	399	204	74.46.115	AMD	18 E1	92
74.13.118	AMD	270	2	74.46.160	AMD	18 E1	93
74.13.121	AMD	270	3	74.46.170	AMD	18 E1	94
74.13.280	AMD	311	21	74.46.180	AMD	18 E1	95
74.14C	ADD	311	5,7	74.46.190	AMD	18 E1	96
			8,12	74.46.410	AMD	18 E1	97
74.14C.005	AMD	311	1	74.46.420	AMD	18 E1	99
74.14C.010	AMD	311	2	74.46.420	REP	18 E1	98
74.14C.020	AMD	311	3	74.46.430	AMD	18 E1	100
74.14C.030	AMD	311	4	74.46.430	REP	18 E1	98
74.14C.035	REP	311	28	74.46.440	REP	18 E1	98
74.14C.040	AMD	311	6	74.46.450	AMD	18 E1	70
74.14C.050	AMD	311	9	74.46.450	AMD	18 E1	101
74.14C.060	AMD	311	10	74.46.450	REP	18 E1	98
74.14C.065	AMD	18 E2	922	74.46.460	AMD	18 E1	102
74.14C.070	AMD	311	11	74.46.460	REP	18 E1	98
74.15	ADD	302	6,7	74.46.465	REP	18 E1	98
74.15.010	AMD	302	2	74.46.470	AMD	18 E1	103
74.15.020	AMD	302	3	74.46.470	REP	18 E1	98
74.15.020	AMD	311	18	74.46.481	AMD	18 E1	104
74.15.030	AMD	302	4	74.46.481	REP	18 E1	98
74.15.050	AMD	369	62	74.46.490	AMD	18 E1	105
74.15.080	AMD	369	63	74.46.490	REP	18 E1	98
74.15.100	AMD	302	8	74.46.500	AMD	18 E1	106
74.15.120	AMD	311	22	74.46.500	REP	18 E1	98
74.15.130	AMD	302	5	74.46.505	AMD	18 E1	107
74.34	ADD	18 E1	85	74.46.505	REP	18 E1	98
			86	74.46.510	AMD	18 E1	108
74.34.010	AMD	18 E1	82	74.46.510	REP	18 E1	98
74.34.020	AMD	18 E1	84	74.46.530	AMD	18 E1	109
74.34.030	AMD	18 E1	88	74.46.530	REP	18 E1	98
74.34.070	AMD	18 E1	87	74.46.540	REP	18 E1	98

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"E2" Denotes 1995 2nd special sess.

## RCW SECTIONS AFFECTED BY 1995 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.		
74.46.550	REP	18 E1	98	75.40.020	AMD	2 E1	19
74.46.560	AMD	18 E1	110	75.40.040	AMD	2 E1	20
74.46.560	REP	18 E1	98	75.40.060	AMD	2 E1	21
74.46.570	AMD	18 E1	111	75.44.140	AMD	269	3201
74.46.570	REP	18 E1	98	75.50	ADD	367	1-3
74.46.580	REP	18 E1	98				6,10
74.46.590	REP	18 E1	98	75.50.010	AMD	2 E1	33
74.46.640	AMD	18 E1	112	75.50.020	AMD	2 E1	34
74.46.690	AMD	18 E1	113	75.50.030	AMD	2 E1	35
74.46.770	AMD	18 E1	114	75.50.040	AMD	2 E1	36
74.46.780	AMD	18 E1	115	75.50.050	AMD	2 E1	37
75	ADD	372	1-3	75.50.070	AMD	2 E1	38
75.08	ADD	224	1	75.50.100	REMD	2 E1	39
75.08.011	AMD	2 E1	6	75.50.110	AMD	2 E1	40
75.08.014	AMD	2 E1	22	75.50.110	AMD	367	5
75.08.025	AMD	2 E1	7	75.50.120	AMD	367	7
75.08.040	AMD	2 E1	23	75.50.130	AMD	2 E1	41
75.08.045	AMD	2 E1	24	75.52.050	AMD	2 E1	42
75.08.055	AMD	2 E1	8	76.04	ADD	113	2,3
75.08.058	AMD	2 E1	9	76.04	ADD	151	1
75.08.070	AMD	2 E1	10	76.04.165	AMD	151	2
75.08.080	AMD	2 E1	11	76.09.030	AMD	399	207
75.08.090	AMD	2 E1	12	76.48	ADD	366	14-17
75.08.110	AMD	2 E1	13	76.48.020	AMD	366	1
75.08.120	AMD	2 E1	14	76.48.030	AMD	366	2
75.08.230	AMD	367	11	76.48.040	AMD	366	3
75.08.274	AMD	2 E1	15	76.48.050	AMD	366	4
75.08.285	AMD	2 E1	16	76.48.060	AMD	366	5
75.08.295	AMD	2 E1	17	76.48.070	AMD	366	6
75.08.460	AMD	2 E1	18	76.48.075	AMD	366	7
75.12.010	AMD	2 E1	25	76.48.092	REP	366	18
75.12.015	AMD	2 E1	26	76.48.096	AMD	366	8
75.20	ADD	255	4	76.48.098	AMD	366	9
75.20	ADD	328	1	76.48.100	AMD	366	10
75.20	ADD	378	14	76.48.110	AMD	366	11
75.20	ADD	402	26	76.48.120	AMD	366	12
75.20.110	AMD	2 E1	27	76.48.130	AMD	366	13
75.20.140	AMD	382	7	77.04.040	AMD	2 E1	3
75.24.030	AMD	2 E1	28	77.04.055	AMD	2 E1	4
75.24.100	AMD	2 E1	29	77.04.080	AMD	2 E1	5
75.24.130	AMD	2 E1	30	77.04.090	AMD	403	111
75.25.095	AMD	2 E1	31	77.12	ADD	370	1
75.28	ADD	227	1	77.12.265	AMD	210	1
75.28.011	AMD	228	1	77.12.710	AMD	399	208
75.28.095	AMD	104	1	77.16.135	AMD	2 E1	43
75.30	ADD	227	2	77.32	ADD	59	1
75.30.050	REMD	269	3101	77.32.050	AMD	116	1
75.30.060	AMD	2 E1	32	77.32.060	AMD	116	2
75.30.120	REMD	135	7	77.32.070	AMD	116	3
75.30.350	AMD	252	1	77.32.090	AMD	116	4

"E2" Denotes 1995 2nd special sess.

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"E1" Denotes 1995 1st special sess.

## RCW SECTIONS AFFECTED BY 1995 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.	
77.32.250	AMD	116	82.04	ADD	229	1
77.32.256	AMD	116	82.04.030	AMD	318	1
77.32.360	AMD	116	82.04.050	AMD	12 E1	2
78.08.060	AMD	114	82.04.050	AMD	39	2
78.08.081	AMD	114	82.04.190	AMD	3 E1	4
78.44.087	AMD	223	82.04.2201	AMD	229	2
78.56.110	AMD	223	82.04.260	AMD	6 E2	1
78.56.120	AMD	223	82.04.260	AMD	12 E2	1
79.08.1078	AMD	399	82.04.290	AMD	229	3
79.12.025	AMD	105	82.04.365	AMD	11 E2	1
79.24.580	AMD	18 E2	82.08	ADD	3 E1	2
79.90	ADD	357	82.08	ADD	5 E2	1
79.90	ADD	402	82.08	ADD	8 E2	1
79.90.150	AMD	402	82.08	ADD	9 E2	4
79.90.300	AMD	402	82.08	ADD	11 E2	2
79.90.325	REP	402	82.08	ADD	346	1
79.90.565	AMD	399	82.08.0263	AMD	63	1
80.01.050	AMD	331	82.08.0287	AMD	274	2
80.01.060	AMD	331	82.12	ADD	3 E1	3
80.04	ADD	110	82.12	ADD	5 E2	2
80.04.010	AMD	243	82.12	ADD	9 E2	5
80.04.110	REMD	376	82.12	ADD	128	1
80.08	ADD	110	82.12	ADD	201	1
80.12	ADD	110	82.12	ADD	346	2
80.16	ADD	110	82.12.0254	AMD	63	2
80.28.010	REMD	399	82.14	ADD	10 E2	1
80.28.212	AMD	247	82.14	ADD	14 E1	7
80.36	ADD	243	82.14.046	AMD	298	1
80.36.135	AMD	110	82.14.048	AMD	396	6
80.50.020	AMD	69	82.14.300	AMD	312	83
80.52.030	AMD	69	82.14.310	AMD	398	11
81.48.010	AMD	315	82.14.320	AMD	312	84
81.62.010	REP	269	82.14.320	AMD	398	12
81.62.020	REP	269	82.14.330	AMD	398	13
81.62.030	REP	269	82.14.335	AMD	399	213
81.62.040	REP	269	82.14.340	AMD	309	1
81.62.050	REP	269	82.23B.020	AMD	399	214
81.62.060	REP	269	82.24	ADD	278	12-15
81.62.900	REP	269	82.24.010	AMD	278	1
81.62.901	REP	269	82.24.030	AMD	278	2
81.80.145	REP	272	82.24.040	AMD	278	3
81.80.330	AMD	272	82.24.050	AMD	278	4
81.80.450	AMD	399	82.24.080	AMD	278	5
81.84	ADD	361	82.24.090	AMD	278	6
81.104.030	AMD	14 E2	82.24.110	AMD	278	7
81.104.090	AMD	269	82.24.120	AMD	278	8
82	ADD	352	82.24.230	AMD	278	9
82.01.060	AMD	403	82.24.250	AMD	278	10
82.04	ADD	9 E2	82.24.260	AMD	278	11
82.04	ADD	11 E2	82.26.010	AMD	278	16

"E1" Denotes 1995 1st special sess.

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"E2" Denotes 1995 2nd special sess.

**RCW SECTIONS AFFECTED BY 1995 STATUTES**

<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>	<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>	
82.27.010	AMD	372	4	82.44.160	REEN 28 1	
82.27.030	AMD	7 E2	1	82.44.180	REMD 269 2601	
82.29A.130	AMD	138	1	82.48.010	AMD 318 4	
82.32.145	AMD	318	2	82.48.080	AMD 170 2	
82.32.320	AMD	318	7	82.60.020	REMD 3 E1 5	
82.32.330	AMD	197	1	82.60.040	AMD 3 E1 6	
82.36	ADD	320	2	82.60.045	AMD 3 E1 7	
82.36.010	AMD	274	20	82.60.065	AMD 3 E1 8	
82.36.010	AMD	287	1	82.60.070	AMD 3 E1 9	
82.36.2251	REMD	364	3	82.61.010	AMD 3 E1 10	
82.36.310	AMD	318	3	82.61.020	REP 3 E1 11	
82.36.380	AMD	287	2	82.61.040	REP 3 E1 11	
82.37.010	REP	274	3	82.61.070	AMD 399 215	
82.37.020	REP	274	3	82.63	ADD 3 E1 13	
82.37.030	REP	274	3	82.63.010	AMD 3 E1 12	
82.37.040	REP	274	3	82.63.040	REP 3 E1 14	
82.37.050	REP	274	3	82.63.050	REP 3 E1 14	
82.37.060	REP	274	3	84	ADD 375 1-3	
82.37.070	REP	274	3			5-15
82.37.080	REP	274	3	84.33.035	AMD 165 1	
82.37.090	REP	274	3	84.33.073	AMD 325 1	
82.37.100	REP	274	3	84.33.120	AMD 330 1	
82.37.110	REP	274	3	84.33.140	AMD 330 2	
82.37.120	REP	274	3	84.33.170	AMD 165 2	
82.37.130	REP	274	3	84.34.230	AMD 318 8	
82.37.140	REP	274	3	84.36.035	AMD 9 E2 1	
82.37.145	REP	274	3	84.36.060	AMD 306 1	
82.37.150	REP	274	3	84.36.381	AMD 8 E1 1	
82.37.160	REP	274	3	84.36.383	AMD 8 E1 2	
82.37.170	REP	274	3	84.36.805	AMD 9 E2 2	
82.37.175	REP	274	3	84.38.020	AMD 329 1	
82.37.180	REP	274	3	84.38.030	AMD 329 2	
82.37.190	REP	274	3	84.40	ADD 8 E1 3	
82.37.900	REP	274	3	84.40.080	REEN 134 14	
82.37.910	REP	274	3	84.40.185	AMD 318 5	
82.37.920	REP	274	3	84.48.050	REEN 134 15	
82.38	ADD	320	3	84.48.080	AMD 13 E2 3	
82.38.020	AMD	287	3	84.52	ADD 99 1	
82.38.090	AMD	20	13	84.52.010	AMD 13 E2 4	
82.38.120	AMD	274	21	84.52.010	AMD 99 2	
82.38.140	AMD	274	22	84.52.043	AMD 99 3	
82.38.150	AMD	274	23	84.52.0531	AMD 11 E1 1	
82.38.170	AMD	274	24	84.52.069	AMD 318 9	
82.38.260	AMD	274	25	84.52.105	AMD 318 10	
82.38.270	AMD	287	4	84.55	ADD 13 E2 2	
82.41.040	AMD	274	26	84.55	ADD 251 1	
82.42.090	AMD	170	1	84.56.022	AMD 180 1	
82.44.110	REMD	15 E1	2	85.38.200	AMD 402 14	
82.44.110	REMD	398	14	86.12.200	AMD 402 21	
82.44.150	AMD	14 E2	538	86.15.030	AMD 402 15	

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86.15.050	AMD	402	16	90.58.100	AMD 347 307
86.15.160	AMD	402	17	90.58.120	AMD 347 308
86.16.025	AMD	8	4	90.58.140	AMD 347 309
86.16.035	REMD	8	5	90.58.145	REP 347 313
86.16.081	AMD	403	634	90.58.180	AMD 347 310
86.26	ADD	402	24	90.58.190	AMD 347 311
86.26.007	AMD	18 E2	915	90.58.210	AMD 403 637
86.26.105	AMD	402	18	90.58.560	AMD 403 638
88.12.275	AMD	399	216	90.62.010	REP 347 619
88.16.070	AMD	174	1	90.62.020	REP 347 619
88.16.090	AMD	175	1	90.62.030	REP 347 619
88.16.150	REMD	174	2	90.62.040	REP 347 619
88.44.155	REP	148	4	90.62.050	REP 347 619
88.44.215	REP	148	4	90.62.060	REP 347 619
88.46.060	AMD	148	3	90.62.070	REP 347 619
88.46.100	AMD	391	9	90.62.080	REP 347 619
88.46.920	REP	14 E2	524	90.62.090	REP 347 619
88.46.922	AMD	14 E2	518	90.62.100	REP 347 619
88.46.923	REP	14 E2	524	90.62.110	REP 347 619
88.46.925	AMD	14 E2	519	90.62.120	REP 347 619
89.08	ADD	378	1-7	90.62.130	REP 347 619
90	ADD	347	601-616	90.62.900	REP 347 619
90.03.180	AMD	292	21	90.62.901	REP 347 619
90.03.350	AMD	8	6	90.62.904	REP 347 619
90.03.600	AMD	403	635	90.62.905	REP 347 619
90.46	ADD	342	3-8	90.62.906	REP 347 619
90.46.005	AMD	342	1	90.62.907	REP 347 619
90.46.010	AMD	342	2	90.62.908	REP 347 619
90.46.050	AMD	342	9	90.70.065	AMD 269 3501
90.48	ADD	255	3	90.76.080	AMD 403 639
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90.48.020	AMD	255	7		
90.48.144	AMD	403	636		
90.56	ADD	14 E2	520		
90.56.280	AMD	399	218		
90.56.450	REP	269	3401		
90.56.510	AMD	14 E2	525		
90.58	ADD	333	1		
90.58	ADD	378	16		
90.58	ADD	382	11		
90.58.020	AMD	347	301		
90.58.030	AMD	237	1		
90.58.030	AMD	255	5		
90.58.030	AMD	382	10		
90.58.030	AMD	402	22		
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6	608	AMD	1 E1	607
6	613	AMD	1 E1	608
6	617	AMD	E1	609
6	803	AMD	1 E1	801
6	804	AMD	1 E1	803
7	919	AMD	1 E1	202
8	3	REP	8 E1	5

<u>LAWS 1995</u>			<u>LAWS 1995</u>	
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# HISTORY OF STATE MEASURES FILED WITH THE SECRETARY OF STATE

## INITIATIVES TO THE PEOPLE (SUPPLEMENTING 1993 LAWS, PAGE 3283)

- INITIATIVE MEASURE NO. 605 (Shall all present state and local taxes be repealed, and replaced with a flat rate tax on transfers of property?)—Filed on January 10, 1994 by Clarence P. Keating of Seattle. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 606 (Shall laws on legislative lobbying, pensions, party caucuses, and campaigning be revised, and the legislature be subject to the public records and open meetings acts?)—Filed on January 10, 1994 by Shawn Newman of Olympia. The sponsor failed to submit signatures for checking.
- \*INITIATIVE MEASURE NO. 607 (Shall persons other than dentists be licensed to make and sell dentures to the public, as regulated by a new state board of denture technology?)—Filed on January 10, 1994 by Vallan Charron of Puyallup. 241,228 signatures were submitted and found sufficient. The measure was subsequently certified and submitted to the voters at the November 8, 1994 general election. It was approved by the following vote: For—955,960 Against—703,619.
- INITIATIVE MEASURE NO. 608 (Shall government be prohibited from according rights or protections based on sexual orientation, and schools from presenting homosexuality as acceptable?)—Filed on January 10, 1994 by Gail L. Yenne of Tacoma. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 609 (Shall campaign contributions be permitted only from voters, and new restrictions be placed on the use of campaign funds, and shall Initiative 134 be repealed?)—Filed on January 12, 1994 by Robert E. Adams of Bellevue. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 610 (Shall rights based on homosexuality, homosexuals' custody of their own or other children; and governmental approval of homosexuality be prohibited?)—Filed on January 10, 1994 by Samuel P. Woodard, Sr. of Ariel. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 611 (Shall informed consent for abortions be defined and required, a 24 hour waiting period imposed, and related criminal penalties created?)—Filed on January 13, 1994 by Matthew W. Annot of Bellingham. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 612 (Relating to making Washington a multi-cultural state.)—Filed on January 10, 1994 by Geoffrey Noah Vasil of Lacey. The Attorney General declined to prepare a ballot title.
- INITIATIVE MEASURE NO. 613 (Shall persons other than minors be permitted to grow, sell, and use cannabis (marijuana) as licensed, taxed, and regulated by a new cannabis control board?)—Filed on January 13, 1994 by Warren J. Nolze of Seattle. The sponsor refiled the measure as Initiative Measure No. 622.
- INITIATIVE MEASURE NO. 614 (Shall one million dollars in state funds be set aside to pay for embryo transfers as an alternative to abortion?)—Filed on January 26, 1994 by David S. Henshaw of Belfair. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 615 (Shall lobbyists be required to obtain one million dollar licenses, and shall employees be entitled to leave for legislative testimony?)—Filed on January 26, 1994 by David S. Henshaw of Belfair. The sponsor failed to submit signatures for checking.

## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 616 (Shall all persons be required to take a firearm safety course before purchasing firearms, or be subject to a penalty?)—Filed on January 26, 1994 By David S. Henshaw of Belfair. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 617 (Shall fines be assessed on a sliding scale, based on the convicted person's income and the seriousness of the offense?)—Filed on January 26, 1994 by David S. Henshaw of Belfair. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 618 (Relating to school levies.)—Filed on January 26, 1994 by David S. Henshaw of Belfair. The Attorney General declined to prepare a ballot title.
- INITIATIVE MEASURE NO. 619 (Relating to amendments to legislative bills.)—Filed on January 26, 1994 by David S. Henshaw of Belfair. The Attorney General declined to prepare a ballot title.
- INITIATIVE MEASURE NO. 620 (Shall vehicles no longer be required to have license tabs, and the gas tax be increased to replace lost revenue?)—Filed on January 26, 1994 by David S. Henshaw of Belfair. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 621 (Shall all employees be entitled to increased hourly premium wages for work performed at night, or on Saturday or Sunday?)—Filed on January 26, 1994 by David S. Henshaw of Belfair. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 622 (Shall persons other than minors be permitted to grow and sell cannabis (marijuana) as regulated by a cannabis control board?)—Filed on February 11, 1994 by Warren J. Nolze of Seattle. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 623 (Shall new limitations and conditions be placed on public assistance to families, and certain grandparents be obligated for child support?)—Filed on February 8, 1994 by David R. Mortenson of Kent. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 624 (Shall the business activity tax be reduced for certain businesses, and shall some businesses be exempted from paying this tax?)—Filed on February 18, 1994 by Corrie Bender of Kent. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 625 (Shall persons convicted of certain offenses be required to serve full sentences in total confinement, without possibility of early release?)—Filed on February 11, 1994 by Bruce Wilson McKay of Tacoma. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 626 (Shall regulation of private property be restricted, and certain reductions in value be newly defined as takings which require compensation?)—Filed on February 25, 1994 by Daniel Wayne Wood of Hoquiam. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 627 (Shall the licensing department implement a motorcycle awareness program, paid for by twenty percent of all existing motorcycle license fees?)—Filed on March 3, 1994 by Gary W. Lawson of Lacey. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 628 (Shall persons under eighteen be restricted in obtaining driver's licenses or employment, unless they keep a certain grade point average?)—Filed on February 23, 1994 by John C. Hawthorne of Olympia. This measure refiled as Initiative Measure No. 636.

## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 629 (Relating to public schools & youth violence prevention.)—Filed March 4, 1994 by Thomas G. Erickson of Seattle. This measure refiled as Initiative Measure No. 635.
- INITIATIVE MEASURE NO. 630 (Shall public officers and certain businesses be prohibited from harassing or discriminating against targets of the national security agency?)—Filed on March 15, 1994 by Elizabeth Patrick of Spokane. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 631 (Shall the use of state, county, city, or town funds to fund the national security agency be prohibited?)—Filed on March 15, 1994 by Elizabeth Patrick of Spokane. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 632 (Shall laws concerning possession of firearms, juvenile court jurisdiction, and sentences for drive-by shootings and certain other crimes be revised?)—Filed on March 30, 1994 by James L. King, Jr. of Tacoma. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 633 (Shall juvenile justice and child labor laws be revised, and juvenile programs funded with revenue from specified fees and taxes?)—Filed on March 30, 1994 by James L. King, Jr. of Tacoma. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 634 (Shall state agency commercial activity, rulemaking, staffing, contracting, and lobbying be limited, and \$100 million appropriated for prisons and safety?)—Filed on March 30, 1994 by Linda A. Smith of Vancouver. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 635 (Shall the establishment of public charter schools to serve at-risk youth be authorized, and \$250 million appropriated for this program?)—Filed on March 30, 1994 by Thomas G. Erickson of Seattle. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 636 (Shall minors be limited to a conditional drivers' license, and shall minors with good grades be permitted to work more hours?)—Filed on April 6, 1994 by John C. Hawthorne of Olympia. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 637 (Shall state laws on property ownership, property tax collection, and vehicle licensing be revised and vehicle excise taxes be removed?)—Filed on May 12, 1994 by David Nibarger of Spokane. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 638 (Shall a transaction tax, not exceeding 1%, be charged on property and money transfers; and state authorized taxes be repealed?)—Filed on January 9, 1995 by Clarence P. Keating of Seattle.
- INITIATIVE MEASURE NO. 639 (Shall the state be required to establish state-operated facilities for care of all children who are abandoned, abused, or neglected?)—Filed on January 9, 1995 by Jim D. Whittenburg of Olympia.
- INITIATIVE MEASURE NO. 640 (Shall state fishing regulations ensure certain survival rates for nontargeted catch, and commercial and recreational fisheries be prioritized?)—Filed on January 9, 1995 by Frank Haw of Olympia.
- INITIATIVE MEASURE NO. 641 (Relating to Philadelphia II.)—Filed on January 9, 1995 by Robert B. Adkins of Tacoma.

## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 642 (Shall school district voters be authorized to adopt deregulated systems of education delivery, and state education appropriations fixed by formula?)—Filed on January 9, 1995 by James & Fawn Spady of Seattle.
- INITIATIVE MEASURE NO. 643 (Relating to property taxes.)—Filed on January 9, 1995 by Donald Carter of Olympia. This measure refiled as Initiative Measure No. 650.
- INITIATIVE MEASURE NO. 644 (Shall government be prohibited from placing children for adoption or foster care with any homosexuals or with cohabiting unmarried partners?)—Filed on January 9, 1995 by Samuel P. Woodard, Sr. of Ariel.
- INITIATIVE MEASURE NO. 645 (Shall most laws regulating firearms be repealed, including laws relating to concealed pistols, machine guns, and short-barreled rifles or shotguns?)—Filed on January 9, 1995 by Samuel P. Woodard, Sr. of Ariel.
- INITIATIVE MEASURE NO. 646 (Shall the state property tax levy for schools be reduced in stages over three years, and then eliminated?)—Filed on January 20, 1995 by Jim D. Whittenburg of Seattle.
- INITIATIVE MEASURE NO. 647 (Shall the members of the state utilities and transportation commission be elected, and their regulatory responsibilities extended to new fields?)—Filed on January 11, 1995 by Carl Sperr of Spokane.
- INITIATIVE MEASURE NO. 648 (Shall laws be revised concerning state citizenship, property ownership, travel rights, competency certificates, taxation, licenses, public officers, courts, and legislation?)—Filed on January 23, 1995 by David L. Nibarger of Spokane.
- INITIATIVE MEASURE NO. 649 (Shall most of the 1993 Health Care Act be repealed, and replaced with insurance modifications and health care savings accounts?)—Filed on January 19, 1995 by Jerome A. Blome of Kent.
- INITIATIVE MEASURE NO. 650 (Shall taxes on property used as the owner's principal residence be limited, and property assessment be based on "adjusted value"?)—Filed on February 10, 1995 by Donald Carter of Olympia.
- INITIATIVE MEASURE NO. 651 (Shall the state enter into compacts with Indian tribes providing for unrestricted gambling on Indian lands within the state's borders?)—Filed on February 28, 1995 by John Kieffer of Fruitland.
- INITIATIVE MEASURE NO. 652 (Shall juveniles aged thirteen or more charged with crime while in the possession of a weapon be tried as adults?)—Filed on March 10, 1995 by Richard E. Woodrow of Lynnwood.
- INITIATIVE MEASURE NO. 653 (Shall public school, health care and assistance officials report "apparent illegal aliens" to INS and deny them education and services?)—Filed on April 7, 1995 by Karen E. Small of LaConner.
- INITIATIVE MEASURE NO. 654 (Shall government be prohibited from placing children for adoption or foster care with any "person who practices right-wing fundamentalist Christianity"?)—Filed on June 1, 1995 by William S. Humphrey of Seattle.

**INITIATIVES TO THE LEGISLATURE**  
**(SUPPLEMENTING 1993 LAWS, PAGE 3298)**

- INITIATIVE TO THE LEGISLATURE NO. 154 (Relating to the support of children)—Filed on May 27, 1993 by Michael A. Frederick of Seattle. No ballot title was written.
- INITIATIVE TO THE LEGISLATURE NO. 155 (Shall prosecutors be required to strictly adhere to the statutory prosecuting standards, and shall their duties regarding arrests be modified?)—Filed on July 27, 1993 by Donald E. Jewett of Langley. The sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 156 (Shall public schools be required to provide instruction from the Bible as a basis for values, morals and character development?)—Filed on March 9, 1994 by Edward "Randy" McLeary of Kent. The sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 157 (Shall the State assume control of the sale, and impose new regulations on possession of all ammunition in the state?)—Filed on March 9, 1994 by David L. Ross of Seattle. The sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 158 (Shall the code reviser be directed to provide copies of uncodified portions of this and other acts to individual legislators?)—Filed on March 25, 1994 by Lawrence Allred of Olympia. The sponsor failed to submit signatures for checking.
- \*INITIATIVE TO THE LEGISLATURE NO. 159 (Shall penalties and sentencing standards be increased for crimes involving a firearm, and sentences and plea agreements be public records?)—Filed on April 8, 1994 by David LaCourse, Jr. of Mercer Island. 235,993 signatures were submitted and found sufficient. The measure was certified to the legislature on January 23, 1995.**
- INITIATIVE TO THE LEGISLATURE NO. 160 (Shall the State apply to Congress for a constitutional convention to replace Congressional voting power with direct popular voting?)—Filed on March 29, 1994 by William R. Walker of Seattle. The sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 161 (Shall libraries be fully subject to chapter 9.68 RCW, which requires labelling erotic material and restricts its distribution to minors?)—Filed on April 6, 1994 by Stephen W. Mosier of Brush Prairie. The initiative was withdrawn by the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 162 (Shall local taxing districts be required, before incurring any debt, to obtain voter assent at a primary or general election?)—Filed on April 26, 1994 by Dave C. McGregor of Seattle. Refiled as Initiative to the Legislature No. 163.
- INITIATIVE TO THE LEGISLATURE NO. 163 (Shall additional limits be placed on the authority of counties, cities, and towns, and certain other municipalities to incur debt?)—Filed on June 6, 1994 by Dave C. McGregor of Seattle. The sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 164 (Shall government be restricted in land use regulation and required to pay for property value reductions attributable to certain regulations?)—Filed on August 2, 1994 by Dan W. Wood of Hoquiam. 231, 723 signatures were submitted and found sufficient. The measure was certified to the legislature on February 13, 1995. See Referendum Measure No. 48.

## INITIATIVES TO THE LEGISLATURE

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- INITIATIVE TO THE LEGISLATURE NO. 165 (Shall the uniform health care benefits package be required to include all licensed forms of health care, and made optional?)—Filed on August 25, 1994 by Harold Mills of Bellevue. The sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 166 (Shall government be prohibited from according rights or protections based on sexual orientation, and schools from presenting homosexuality as acceptable?)—Filed on March 8, 1995 by Peg O. Bronson of Lake Stevens.
- INITIATIVE TO THE LEGISLATURE NO. 167 (Shall government be prohibited from placing children for adoption or foster care with any homosexuals or with cohabiting unmarried partners?)—Filed on March 8, 1995 by Samuel P. Woodard, Sr. of Ariel.
- INITIATIVE TO THE LEGISLATURE NO. 168 (Shall certain laws be repealed which restrict or tax the transportation, sale, possession, or carrying of firearms, with certain exceptions?)—Filed on March 8, 1995 by Samuel P. Woodard, Sr. of Ariel.
- INITIATIVE TO THE LEGISLATURE NO. 169 (Shall the state pay tuition aid for primary and secondary students to attend private or public schools of their choice?)—Filed on March 8, 1995 by Ronald W. Taber of Olympia. Re-filed as Initiative to the Legislature No. 173.
- INITIATIVE TO THE LEGISLATURE NO. 170 (Shall the State apply to Congress for a constitutional convention to replace congressional voting power with direct popular voting?)—Filed on March 28, 1995 by William R. Walker of Seattle.
- INITIATIVE TO THE LEGISLATURE NO. 171 (Shall the department of social and health services' authority to investigate complaints of child neglect, abuse, or abandonment be repealed?)—Filed on April 11, 1995 by Kenneth E. Gragson of Everett.
- INITIATIVE TO THE LEGISLATURE NO. 172 (Shall state and local government be prohibited from granting "preferential treatment" based on race, sex, ethnic or sexual minority status?)—Filed on April 18, 1995 by Ronald W. Taber of Olympia.
- INITIATIVE TO THE LEGISLATURE NO. 173 (Shall the state pay scholarship vouchers for primary and secondary students to attend voucher-redeeming private or public schools of choice?)—Filed on April 18, 1995 by Ronald W. Taber of Olympia.
- INITIATIVE TO THE LEGISLATURE NO. 174 (Shall DSHS be required to use multi-disciplinary teams in certain types of cases involving actual or potential serious child abuse?)—Filed on May 3, 1995 by Kenneth E. Gragson of Everett.
- INITIATIVE TO THE LEGISLATURE NO. 175 (Shall registered nurses licensed for ten years or more be authorized to practice medicine?)—Filed on June 6, 1995 by Paul Keister of Pasco.

**REFERENDUM MEASURES**  
**(SUPPLEMENTING 1993 LAWS, PAGE 3304)**

**REFERENDUM MEASURE NO. 47 (Chapter 336, Laws of 1993, The state legislature has passed a law that revises the state's education system in many ways, such as adopting new student learning goals, revising educator training and assistance, and requiring educator performance assessments. Should this law be approved or rejected?)—Filed May 13, 1993 by O. Jerome Brown of Rolling Bay. No signatures presented for checking.**

**REFERENDUM MEASURE NO. 48 (Referendum filed on Chapter 98, Laws of 1995, originally certified as Initiative Measure No. 164, The state legislature has passed a law that restricts land-use regulations and expands governments' liability to pay for reduced property values of land or improvements thereon caused by certain regulations for public benefit. Should this law be approved or rejected?)—Filed April 19, 1995 by Lucy B. Steers of Seattle.**

**REFERENDUM MEASURE NO. 49 (Referendum filed on Chapter 184, Laws of 1995, The state legislature has passed a law that adds criminal trespass to the list of crimes for which police officers may arrest persons without witnessing the offense or first obtaining an arrest warrant. Should this law be approved or rejected?)—Filed May 3, 1995 by Kenneth E. Gragsone of Everett.**

**REFERENDUM BILLS**  
**(SUPPLEMENTING 1993 LAWS, PAGE 3308)**

(Measures passed by the Legislature and referred to the voters)

**\*REFERENDUM BILL NO. 43 (Chapter 7, Laws of 1994, 1st Special Session, Shall taxes on sales of cigarettes, liquor, and pop syrup be extended to fund violence reduction and drug enforcement programs?)—**Measure submitted to the voters for decision at the November 8, 1994, general election and was approved by the following vote: **For—947,847**  
**Against—712,575.**

**REFERENDUM BILL NO. 44 (Chapter 225, Laws of 1994 and Chapter 364, Laws of 1995, Shall the alcohol fuel tax exemption given to fuel distributors be eliminated?)—**Filed on April 1, 1994 and May 16, 1995. Measure will be submitted to the voters for decision at the November 7, 1995, general election.

**REFERENDUM BILL NO. 45 (Chapter 2, Laws of 1995 1st Special Session, Shall the fish and wildlife commission, rather than the governor, appoint the department's director and regulate food fish and shellfish?)—**Filed on May 24, 1995. Measure will be submitted to the voters for decision at the November 7, 1995, general election.



**HISTORY OF CONSTITUTIONAL AMENDMENTS  
ADOPTED SINCE STATEHOOD  
(SUPPLEMENTING 1993 LAWS, PAGE 3312)**

No. 87. Section 6, Article IV Re **Jurisdiction of Superior Courts.** Adopted November, 1993.

No 88 Section 11, Article 1 Re **Religious Freedom.** Adopted November, 1993.

