

assessments as set forth in this chapter shall be deposited in the northwest nursery fund to be used only for the Washington fruit tree and fruit tree related ornamental tree certification and nursery improvement programs as set forth in this chapter and chapter 15.14 RCW. For the purpose of testing and improvement of fruit trees, fruit tree (seedlings) related ornamental trees, fruit tree rootstock, or other plant material used for the propagation of (fruit trees) such stock, the director may, with advice from the advisory committee under RCW 15.13.320, expend up to fifty percent of the money collected from assessments during each fiscal year ending June 30. At no time may such contribution allow the balance of the northwest nursery fund to fall below the combined program cost of the two previous fiscal years. The amount of this minimum balance shall be determined by the director on June 30 of each year.

Sec. 14. Section 27, chapter 33, Laws of 1971 ex. sess. as amended by section 6, chapter 36, Laws of 1985 and RCW 15.13.490 are each amended to read as follows:

~~((1) Any person violating the provisions of this chapter or rules adopted hereunder is guilty of a misdemeanor and guilty of a gross misdemeanor for any subsequent offense, however, any offense committed more than five years after a previous conviction shall be considered a first offense.~~

~~(2) In lieu of any other penalty imposed under this section,)) A person who ((acts as a nursery dealer without the license required by RCW 15.13.280 or the permit required by RCW 15.13.270 is subject to a civil penalty of up to two hundred dollars for each violation. The director may impose the penalty and the penalty shall be subject to appeal in accordance with chapter 34.04 RCW. Penalties collected under this subsection shall be deposited in the state general fund)) fails to comply with this chapter or the rules adopted under it may be subjected to a civil penalty, as determined by the director, in an amount of not more than one thousand dollars for each violation. Each violation shall be a separate and distinct offense. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated this section and may be subject to the civil penalty provided in this section.~~

Passed the House March 5, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 262

[Second Substitute Senate Bill No. 6731]

ABSENTEE BALLOTS—INCLUSION IN VOTER ABSTRACTS

AN ACT Relating to including absentee ballots in voter abstracts; and amending RCW 29.62.090 and 29.36.070.

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

Sec. 1. Section 29.62.090, chapter 9, Laws of 1965 as amended by section 96, chapter 361, Laws of 1977 ex. sess. and RCW 29.62.090 are each amended to read as follows:

(1) Immediately after the official results of a state primary or general election in ~~((his))~~ a county are ascertained, the county auditor or other election officer shall make an abstract of the number of registered voters in each precinct and of all the votes cast in ~~((his))~~ the county at such state primary or general election for and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The abstract shall be entered on blanks furnished by the secretary of state or on compatible computer printouts approved by the secretary of state, and transmitted to the secretary of state no later than the next business day following the certification by the county canvassing board.

(2) After each general election in an even-numbered year, the county auditor or other election officer shall provide to the secretary of state a report of the number of absentee ballots cast in each precinct for and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The report may be included in the abstract required by this section or may be transmitted to the secretary of state separately, but in no event later than March 31 of the year following the election. Absentee ballot results may be incorporated into votes cast at the polls for each precinct or may be reported separately on a precinct by precinct basis.

(3) If absentee ballot results are not incorporated into votes cast at the polls, the county auditor or other election official may aggregate results from more than one precinct if the auditor, pursuant to rules adopted by the secretary of state, finds that reporting a single precinct's absentee ballot results would jeopardize the secrecy of a person's ballot. To the extent practicable, precincts for which absentee results are aggregated shall be contiguous.

Sec. 2. Section 29.36.070, chapter 9, Laws of 1965 as last amended by section 15, chapter 346, Laws of 1987 and RCW 29.36.070 are each amended to read as follows:

The absentee ballots shall be grouped and counted by congressional and legislative district without regard to precinct, except as required under RCW 29.62.090(2).

These returns shall be added to the total of the votes cast at ~~((at))~~ the polling places.

Passed the Senate February 10, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.