

NEW SECTION. Sec. 37. If the appropriation in section 36 of this act is insufficient or inadequate, there is appropriated from the general fund to the state lottery fund for the biennium ending June 30, 1983, the sum of one million five hundred thousand dollars, or so much thereof as may be necessary, to carry out the purposes of sections 1 through 34 of this act. Such appropriation shall be repaid to the general fund as soon as practicable from the net revenues accruing in the state lottery fund after the payment of prizes to holders of winning tickets or shares and expenses of the lottery. The appropriation in this section is not subject to the percent limitations imposed under sections 4 and 26 of this act.

NEW SECTION. Sec. 38. Sections 1 through 34 of this act shall constitute a new chapter in Title 67 RCW.

NEW SECTION. Sec. 39. There is added to chapter 9.46 RCW a new section to read as follows:

The provisions of this chapter shall not apply to the conducting, operating, participating, or selling or purchasing of tickets or shares in the "lottery" or "state lottery" as defined in section 1 of this act when such conducting, operating, participating, or selling or purchasing is in conformity to the provisions of sections 1 through 34 of this act and to the rules adopted thereunder.

NEW SECTION. Sec. 40. 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. 41. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 30, 1982.

Passed the Senate July 1, 1982.

Approved by the Governor July 16, 1982.

Filed in Office of Secretary of State July 16, 1982.

CHAPTER 8

[House Bill No. 1253]

CAPITOL PURCHASE AND DEVELOPMENT ACCOUNT—RENTS OR SALES RECEIVED FROM HARBOR AREAS OR TIDELANDS—LIMITATIONS REMOVED

AN ACT Relating to the capitol purchase and development account; amending section 1, chapter 170, Laws of 1913 as last amended by section 2, chapter 105, Laws of 1967 ex. sess. and RCW 79.16.180; amending section 79, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.____; amending section 9, chapter 167, Laws of 1961 as last amended by

section 12, chapter 273, Laws of 1969 ex. sess. and RCW 79.24.580; and amending section 8, chapter 105, Laws of 1967 ex. sess. as amended by section 7, chapter 273, Laws of 1969 ex. sess. and RCW 79.24.638.

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

Section 1. Section 1, chapter 170, Laws of 1913 as last amended by section 2, chapter 105, Laws of 1967 ex. sess. and RCW 79.16.180 are each amended to read as follows:

The rents hereinafter to be paid under existing or future leases of harbor areas and also of tidelands belonging to the state of Washington, the proceeds of which are not otherwise directed to a particular account (~~or which are appropriated by the 1967 legislature to finance the Washington state canal commission~~) shall be hereafter disposed of as follows:

In cases where the leased harbor area or tideland is situated within the territorial limits of a port district already created or to be hereafter created under the laws of the state of Washington, twenty-five percent of the rents received for such cases shall be paid by the state treasurer to the county treasurer of the county wherein such port district is situated for the use of such port district and go into a special fund to be expended only for harbor or waterfront improvement purposes and the remaining seventy-five percent shall be deposited in the capitol purchase and development account of the general fund of the state treasury (~~and shall only be subject to appropriation for purchasing, improving, and managing the east capitol site~~); except that in cases where the port district itself shall have presently constructed or shall now own existing structures or improvements situate upon leased harbor areas, or tidelands, the entire rentals of such improved area or tideland shall go to such port district: PROVIDED, That whenever the port district shall hereafter construct improvements on such leased harbor areas or tideland the rental attributable to such improvements shall go to the port district. In all other cases twenty-five percent of the rents shall be paid by the state treasurer into the county treasury of the county in which the leased harbor areas or tidelands are situated, the same to go into a special fund known as the "harbor improvement fund", and to be disbursed only for harbor or harbor improvement purposes; and the remaining seventy-five percent shall be deposited in the capitol purchase and development account of the general fund of the state treasury. In cases where any leased harbor area or tideland is situated within the limits of any incorporated city or town and is not embraced within the area of any port district, the county commissioners of the county shall allocate the funds received from the lease thereof to the municipal authorities of such city or town, to be expended by said authorities for harbor or waterfront purposes. The state treasurer being hereby authorized and directed to make such payments to the respective county treasurers for the use of such port districts or counties, as the case may be, on the first days of July and January of each year, of all moneys in

his hands on such dates payable under the terms of this section to such port district and counties respectively.

This section expires July 1, 1983.

Sec. 2. Section 79, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.____ are each amended to read as follows:

The rents paid under leases of harbor areas and tidelands belonging to the state of Washington, where not otherwise directed to a particular account (~~or appropriated by the 1967 legislature to finance the Washington state canal commission~~), shall be disposed of as follows:

Where the leased harbor area or tideland is situated within the territorial limits of a port district, twenty-five percent of the rentals received from such leases shall be paid by the state treasurer to the county treasurer of the county wherein such port district is situated for the use of such port district and said rental shall go into a special fund to be expended only for harbor or waterfront improvement purposes. The remaining seventy-five percent shall be deposited in the capitol purchase and development account of the general fund of the state treasury (~~and shall only be subject to appropriation for purchasing, improving, and managing the east capitol site~~): PROVIDED, That in cases where the port district itself shall have before April 28, 1967, constructed or owned structures or improvements situate upon the leased harbor area, or tidelands, the entire rentals from such improved harbor area or tideland shall go to the port district: PROVIDED FURTHER, That whenever the port district shall after April 28, 1967, construct improvements on such leased harbor area or tidelands, the rental attributable to such improvements shall go to the port district.

In all other cases twenty-five percent of the rents shall be paid by the state treasurer into the county treasury of the county in which the leased harbor area or tidelands are situated, the same to go into a special fund known as the "harbor improvement fund", and to be disbursed only for harbor or harbor improvement purposes; and the remaining seventy-five percent shall be deposited in the capitol purchase and development account of the general fund of the state treasury: PROVIDED, That where any leased harbor area or tideland is situated within the limits of any incorporated city or town and is not embraced within the area of any port district, the legislative body of the county shall allocate the funds received from the lease thereof to the municipal authorities of such city or town, to be expended by said authorities for harbor or waterfront purposes. The state treasurer is hereby authorized and directed to make such payments to the respective county treasurers for the use of such port districts or counties, as the case may be, on the first days of July and January of each year, of all moneys in his hands on such dates payable under the terms of this section to such port district and counties respectively.

NEW SECTION. Sec. 3. Section 2 of this act shall take effect July 1, 1983.

Sec. 4. Section 9, chapter 167, Laws of 1961 as last amended by section 12, chapter 273, Laws of 1969 ex. sess. and RCW 79.24.580 are each amended to read as follows:

All moneys received by the state from the sale of tidelands, and shorelands, and from the sale of valuable material from tidelands, shorelands, beds of navigable waters and harbor areas (~~(, the proceeds of which have not otherwise been directed to a particular fund or account prior to April 28, 1967, or appropriated by the 1967 legislature to finance the Washington state canal commission;)~~) and from the lease of shorelands and beds of navigable waters, (~~((the proceeds of which have not otherwise been directed to a particular fund or account prior to April 28, 1967, or appropriated by the 1967 legislature to finance the Washington state canal commission;))~~) shall be deposited in the capitol purchase and development account of the general fund, the creation of which is hereby authorized or, in the event that revenue bonds are issued as authorized by RCW 79.24.630 through 79.24.647, into the state building bond redemption fund pursuant to RCW 79.24.638. (~~((This account shall only be subject to appropriation for purchasing, improving, and managing the east capitol site or to pay the principal of and interest on revenue bonds or refunding revenue bonds issued for those purposes:))~~)

Sec. 5. Section 8, chapter 105, Laws of 1967 ex. sess. as amended by section 7, chapter 273, Laws of 1969 ex. sess. and RCW 79.24.638 are each amended to read as follows:

For the purpose of paying the principal and interest of said bonds as the same shall become due, or as said bonds become callable at the option of the capitol committee, there is created a fund to be denominated the "state building bond redemption fund". While any of said bonds remain outstanding and unpaid, it shall be the duty of the capitol committee on or before June 30th of each year to determine the amount that will be required for the redemption of bonds and the payment of interest during the twelve-month period of the next fiscal year, and certify said amount to the state treasurer in writing. The state treasurer shall forthwith and thereafter during said twelve-month period and at least fifteen days prior to each interest and principal payment date deposit into the state building bond redemption fund that portion of all receipts necessary to pay the principal and interest on the bonds issued that would otherwise be deposited in the general fund—capitol purchase and development account and transfer such additional amounts from the general fund—capitol purchase and development account as may be necessary until the amount certified to said treasurer by the said capitol committee has accrued to the state building bond redemption fund. Nothing in RCW 79.24.630 through 79.24.642, 79.24.645, 79.24.647, 79.24.570 and 79.24.580 shall prohibit the use of such receipts from leases and contracts of sale for any other lawfully authorized purpose

when not required for the redemption and payment of interest and meeting the covenant requirements of the bonds authorized herein.

On June 30, 1983, the state treasurer shall transfer from the capitol purchase and development account to the general fund all moneys in excess of seven hundred thousand dollars.

In addition to certifying and providing for the annual amounts required to pay the principal and interest of said bonds, the capitol committee may, under such terms and conditions and at such times and in such amounts as may be found necessary to insure the sale of said bonds, provide for additional payments into the state building bond redemption fund to be held as a reserve to secure the payment of the principal and interest of such bonds.

The owner and holder of any of said bonds or the trustee for any of said bonds may by mandamus or other appropriate proceeding require and compel the deposit and payment of funds as directed herein.

The proceeds from the sale of the bonds hereby authorized shall be paid into the general fund—capitol purchase and development account.

Passed the House June 30, 1982.

Passed the Senate July 1, 1982.

Approved by the Governor July 16, 1982.

Filed in Office of Secretary of State July 16, 1982.

CHAPTER 9

[Senate Bill No. 5014]

PUBLIC UTILITY TAX—BUSINESS AND OCCUPATION TAX—ELECTRICAL ENERGY

AN ACT Relating to revenue; amending section 82.16.010, chapter 15, Laws of 1961 as last amended by section 2, chapter 144, Laws of 1981 and RCW 82.16.010; amending section 82.04.120, chapter 15, Laws of 1961 as last amended by section 6, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.04.120; amending section 82.16.050, chapter 15, Laws of 1961 as last amended by section 1, chapter 368, Laws of 1977 ex. sess. and RCW 82.16.050; providing an effective date; and declaring an emergency.

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

Section 1. Section 82.16.010, chapter 15, Laws of 1961 as last amended by section 2, chapter 144, Laws of 1981 and RCW 82.16.010 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business.

(2) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such