

which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

NEW SECTION. Sec. 10. The parent or legal guardian of any minor to whom a controlled substance, as defined in RCW 69.50.101, is sold or transferred, shall have a cause of action against the person who sold or transferred the controlled substance for all damages to the minor or his or her parent or legal guardian caused by such sale or transfer. Damages shall include: (a) Actual damages, including the cost for treatment or rehabilitation of the minor child's drug dependency, (b) forfeiture to the parent or legal guardian of the cash value of any proceeds received from such sale or transfer of a controlled substance, and (c) reasonable attorney fees.

This section shall not apply to a practitioner, as defined in RCW 69.50.101(t), who sells or transfers a controlled substance to a minor pursuant to a valid prescription or order.

Passed the House March 9, 1986.

Passed the Senate March 3, 1986.

Approved by the Governor March 22, 1986.

Filed in Office of Secretary of State March 22, 1986.

CHAPTER 125

[Senate Bill No. 4681]

WORK/TRAINING RELEASE FACILITIES—FUNDS

AN ACT Relating to inmates assigned to work/training release facilities; and amending RCW 9.95.310, 9.95.320, 9.95.340, 9.95.350, 9.95.360, 72.65.090, and 72.65.100.

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

Sec. 1. Section 2, chapter 217, Laws of 1961 as amended by section 1, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.310 are each amended to read as follows:

The purpose of RCW 9.95.310 through 9.95.370 is to provide necessary assistance, other than assistance which is authorized to be provided under the vocational rehabilitation laws, Title 28A RCW, under the public assistance laws, Title 74 RCW or the department of employment security or other state agency, for parolees, inmates assigned to work/training release facilities, discharged prisoners and persons convicted of a felony and granted probation in need and whose capacity to earn a living under these circumstances is impaired; and to help such persons attain self-care and/or self-support for rehabilitation and restoration to independence as useful citizens as rapidly as possible thereby reducing the number of returnees to the institutions of this state to the benefit of such person and society as a whole.

Sec. 2. Section 3, chapter 217, Laws of 1961 as last amended by section 45, chapter 136, Laws of 1981 and RCW 9.95.320 are each amended to read as follows:

The secretary of corrections or his or her designee may provide to any parolee, inmate assigned to a work/training release facility, discharged prisoner and persons convicted of a felony and granted probation in need and without necessary means, from any funds legally available therefor, such reasonable sums as he deems necessary for the subsistence of such person and his family until such person has become gainfully employed. Such aid may be made under such terms and conditions, and through local parole or probation officers if necessary, as the secretary of corrections or his designee may require and shall be supplementary to any moneys which may be provided under public assistance or from any other source.

Sec. 3. Section 5, chapter 217, Laws of 1961 as last amended by section 47, chapter 136, Laws of 1981 and RCW 9.95.340 are each amended to read as follows:

Any funds in the hands of the department of corrections, or which may come into its hands, which belong to discharged prisoners, inmates assigned to work/training release facilities, parolees or persons convicted of a felony and granted probation who absconded, or whose whereabouts are unknown, shall be deposited in the ~~((parolee and probationer))~~ community services revolving fund. Said funds shall be used to defray the expenses of clothing and other necessities and for transporting discharged prisoners, inmates assigned to work/training release facilities, parolees and persons convicted of a felony and granted probation who are without means to secure the same. All payments disbursed from these funds shall be repaid, whenever possible, by discharged prisoners, inmates assigned to work/training release facilities, parolees and persons convicted of a felony and granted probation for whose benefit they are made. Whenever any money belonging to ~~((discharged prisoners, parolees and persons convicted of a felony and granted probation))~~ such persons is so paid into the revolving fund, it shall be repaid to them in accordance with law if a claim therefor is filed with the department of corrections within five years of deposit into said fund and upon a clear showing of a legal right of such claimant to such money.

Sec. 4. Section 6, chapter 217, Laws of 1961 as last amended by section 48, chapter 136, Laws of 1981 and RCW 9.95.350 are each amended to read as follows:

All money or other property paid or delivered to a probation or parole officer or employee of the department of corrections by or for the benefit of any discharged prisoner, inmate assigned to a work/training release facility, parolee or persons convicted of a felony and granted probation shall be immediately transmitted to the department of corrections and it shall enter the same upon its books to his credit. Such money or other property shall be used only under the direction of the department of corrections.

If such person absconds, the money shall be deposited in the revolving fund created by RCW 9.95.360, and any other property, if not called for within one year, shall be sold by the department of corrections and the proceeds credited to the revolving fund.

If any person, files a claim within five years after the deposit or crediting of such funds, and satisfies the department of corrections that he is entitled thereto, the department may make a finding to that effect and may make payment to the claimant in the amount to which he is entitled.

Sec. 5. Section 7, chapter 217, Laws of 1961 as last amended by section 49, chapter 136, Laws of 1981 and RCW 9.95.360 are each amended to read as follows:

The department of corrections shall create, maintain, and administer outside the state treasury a permanent revolving fund to be known as the "~~((parolee and probationer))~~ community services revolving fund" into which shall be deposited all moneys received by it under RCW 9.95.310 through 9.95.370 and any appropriation made for the purposes of RCW 9.95.310 through 9.95.370. All expenditures from this revolving fund shall be made by check or voucher signed by the secretary of corrections or his designee. The ~~((parolee and probationer))~~ community services revolving fund shall be deposited by the department of corrections in such banks or financial institutions as it may select which shall give to the department a surety bond executed by a surety company authorized to do business in this state, or collateral eligible as security for deposit of state funds in at least the full amount of deposit.

Sec. 6. Section 9, chapter 17, Laws of 1967 and RCW 72.65.090 are each amended to read as follows:

The department may provide transportation for work release participants to the designated places of housing under the work release plan, and may supply suitable clothing and such other equipment, supplies and other necessities as may be reasonably needed for the implementation of the plans adopted for such ~~((participants))~~ participation from the community services revolving fund as established in RCW 9.95.360; PROVIDED, That costs and expenditures incurred for this purpose may be deducted by the department from the earnings of the participants and deposited in the community services revolving fund.

Sec. 7. Section 10, chapter 17, Laws of 1967 as last amended by section 112, chapter 136, Laws of 1981 and RCW 72.65.100 are each amended to read as follows:

The secretary is authorized to make rules and regulations for the administration of the provisions of this chapter to administer the work release program. In addition, the department shall:

- (1) Supervise and consult with work release participants;

(2) Locate available employment or vocational training opportunities for qualified work release participants;

(3) Effect placement of work release participants under the program;

(4) Collect, account for and make disbursement from earnings of work release participants under the provisions of this chapter, including accounting for all inmate debt in the community services revolving fund. RCW 9.95.370 applies to inmates assigned to work/training release facilities who receive assistance as provided in RCW 9.95.310, 9.95.320, 72.65.050, and 72.65.090;

(5) Promote public understanding and acceptance of the work release program.

All state agencies shall cooperate with the department in the administration of the work release program as provided by this chapter.

Passed the Senate March 9, 1986.

Passed the House March 7, 1986.

Approved by the Governor March 22, 1986.

Filed in Office of Secretary of State March 22, 1986.

CHAPTER 126

[Senate Bill No. 4693]

TORT CLAIMS AGAINST THE STATE

AN ACT Relating to tort claims against the state; amending RCW 4.92.010, 4.92.020, 4.92.030, 4.92.040, 4.92.060, 4.92.070, 4.92.100, 4.92.110, 4.92.160, 4.92.170, 77.12.270, and 77.12.280; and repealing RCW 4.92.131.

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

Sec. 1. Section 1, chapter 95, Laws of 1895 as last amended by section 1, chapter 44, Laws of 1973 and RCW 4.92.010 are each amended to read as follows:

Any person or corporation having any claim against the state of Washington shall have a right of action against the state in the superior court. ~~((The plaintiff in such action shall, at the time of filing his complaint, file a surety bond executed by the plaintiff and a surety company authorized to do business in the state of Washington to the effect that such plaintiff will indemnify the state against all costs that may accrue in such action; and will pay to the clerk of said court all costs in case the plaintiff shall fail to prosecute his action or to obtain a judgment against the state: PROVIDED, That in actions for the enforcement or foreclosure of any lien upon, or to determine or quiet title to, any real property in which the state of Washington is a necessary or proper party defendant no surety bond as above provided for shall be required.))~~

The venue for such actions shall be as follows:

(1) The county of the residence or principal place of business of one or more of the plaintiffs;