

(ii) If the equine activity sponsor or the equine professional owns, leases, rents, or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries because of a dangerous latent condition which was known to or should have been known to the equine activity sponsor or the equine professional and for which warning signs have not been conspicuously posted;

(iii) If the equine activity sponsor or the equine professional commits an act or omission that constitutes willful or wanton disregard for the safety of the participant and that act or omission caused the injury;

(iv) If the equine activity sponsor or the equine professional intentionally injures the participant;

(v) Under liability provisions as set forth in the products liability laws; or

(vi) Under liability provisions in chapter 16.04, 16.13, or 16.16 RCW.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act apply only to causes of action filed on or after the effective date of this act.

NEW SECTION. Sec. 4. Sections 1 and 2 of this act are each added to chapter 4.24 RCW.

Passed the Senate April 17, 1989.

Passed the House April 11, 1989.

Approved by the Governor May 8, 1989.

Filed in Office of Secretary of State May 8, 1989.

## CHAPTER 293

[Substitute Senate Bill No. 5561]

### UPLAND FIN FISH REARING FACILITIES—WASTE DISPOSAL AND POLLUTION DISCHARGE PERMITS

AN ACT Relating to upland fin fish rearing facilities; amending RCW 90.48.160; adding a new section to chapter 90.48 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 90.48 RCW to read as follows:

(1) The following definition shall apply to this section: "Upland fin fish hatching and rearing facilities" means those facilities not located within waters of the state where fin fish are hatched, fed, nurtured, held, maintained, or reared to reach the size of release or for market sale. This shall include fish hatcheries, rearing ponds, spawning channels, and other similarly constructed or fabricated public or private facilities.

(2) Not later than September 30, 1989, the department shall adopt standards pursuant to chapter 34.05 RCW for waste discharges from upland fin fish hatching and rearing facilities. In establishing these standards, the department shall incorporate, to the extent applicable, studies conducted

by the United States environmental protection agency on fin fish rearing facilities and other relevant information. The department shall also issue a general permit as authorized by the federal clean water act, 33 U.S.C. 1251 et seq., or RCW 90.48.160 by September 30, 1989, for upland fin fish hatching and rearing facilities. The department shall approve or deny applications for coverage under the general permit for upland fin fish hatching and rearing facilities within one hundred eighty days from the date of application, unless a longer time is required to satisfy public participation requirements in the permit process in accordance with applicable rules, or compliance with the requirements of the state environmental policy act under chapter 43.21C RCW. The department shall notify applicants for coverage by a general permit as soon as it determines that a proposed discharge meets or fails to comply with the standards or general permit conditions set forth pursuant to this section, or that a time period longer than one hundred eighty days is necessary to satisfy public participation requirements or the state environmental policy act.

Sec. 2. Section 1, chapter 71, Laws of 1955 as last amended by section 3, chapter 155, Laws of 1973 and RCW 90.48.160 are each amended to read as follows:

Any person who conducts a commercial or industrial operation of any type which results in the disposal of solid or liquid waste material into the waters of the state, including commercial or industrial operators discharging solid or liquid waste material into sewerage systems operated by municipalities or public entities which discharge into public waters of the state, shall procure a permit from either the department or the thermal power plant site evaluation council as provided in RCW 90.48.262(2) before disposing of such waste material: PROVIDED, That this section shall not apply to any person discharging domestic sewage only into a sewerage system.

The department may, through the adoption of rules, eliminate the permit requirements for disposing of wastes into publicly operated sewerage systems for:

(1) Categories of or individual municipalities or public corporations operating sewerage systems; or

(2) Any category of waste disposer;

if the department determines such permit requirements are no longer necessary for the effective implementation of this chapter. The department may by rule eliminate the permit requirements for disposing of wastes by upland fin fish rearing facilities unless a permit is required under the federal clean water act's national pollutant discharge elimination system.

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 immediately.

Passed the Senate April 17, 1989.

Passed the House April 10, 1989.

Approved by the Governor May 8, 1989.

Filed in Office of Secretary of State May 8, 1989.

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## CHAPTER 294

[Substitute Senate Bill No. 5369]

### MOBILE HOME SPACE AVAILABILITY AND AFFORDABILITY TASK FORCE

AN ACT Relating to mobile homes; and amending RCW 59.22.050.

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

Sec. 1. Section 2, chapter 280, Laws of 1988 and RCW 59.22.050 are each amended to read as follows:

(1) In order to provide general assistance to mobile home resident organizations, park owners, and landlords and tenants, the department shall establish an office of mobile home affairs which will serve as the coordinating office within state government for matters relating to mobile homes or manufactured housing.

This office will provide an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents and to provide technical assistance to resident organizations or persons in the process of forming a resident organization pursuant to chapter 59.22 RCW. The office will keep records of its activities in this area.

(2) In addition, the office shall work with the mobile home space availability and affordability task force to develop recommendations to (a) increase the availability of mobile home park spaces, (b) stabilize rent levels through traditional market forces of supply and demand and through incentives such as current use valuation of mobile home parks, but not through artificial controls on rent, and (c) allow senior citizens on fixed incomes to continue living in their mobile homes, including the possibility of direct subsidies.

The mobile home space availability and affordability task force shall be comprised of four legislators, one from each caucus in the house of representatives appointed by the speaker of the house and one from each caucus in the senate appointed by the president of the senate, two representatives of park-owners, two representatives of tenants, and two representatives of local governments. All nonlegislative members shall be appointed by the director of the department of community development. Staffing for the task force shall be supplied by the department of community development, the