
SENATE BILL 6632

State of Washington

55th Legislature

1998 Regular Session

By Senators Franklin, Long, Hargrove, Schow, Kohl and Rasmussen

Read first time 01/23/98. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to guardians and guardians ad litem; amending RCW
2 11.88.045, 11.88.090, 11.88.095, and 11.92.180; creating a new section;
3 and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 11.88.045 and 1996 c 249 s 9 are each amended to read
6 as follows:

7 (1)(a) Alleged incapacitated individuals shall have the right to be
8 represented by willing counsel of their choosing at any stage in
9 guardianship proceedings. The court shall provide counsel to represent
10 any alleged incapacitated person at public expense when either: (i)
11 The individual is unable to afford counsel, or (ii) the expense of
12 counsel would result in substantial hardship to the individual, or
13 (iii) the individual does not have practical access to funds with which
14 to pay counsel. If the individual can afford counsel but lacks
15 practical access to funds, the court shall provide counsel and may
16 impose a reimbursement requirement as part of a final order. When, in
17 the opinion of the court, the rights and interests of an alleged or
18 adjudicated incapacitated person cannot otherwise be adequately
19 protected and represented, the court on its own motion shall appoint an

1 attorney at any time to represent such person. Counsel shall be
2 provided as soon as practicable after a petition is filed and long
3 enough before any final hearing to allow adequate time for consultation
4 and preparation. Absent a convincing showing in the record to the
5 contrary, a period of less than three weeks shall be presumed by a
6 reviewing court to be inadequate time for consultation and preparation.

7 (b) Counsel for an alleged incapacitated individual shall act as an
8 advocate for the client and shall not substitute counsel's own judgment
9 for that of the client on the subject of what may be in the client's
10 best interests. Counsel's role shall be distinct from that of the
11 guardian ad litem, who is expected to promote the best interest of the
12 alleged incapacitated individual, rather than the alleged incapacitated
13 individual's expressed preferences.

14 (c) If an alleged incapacitated person is represented by counsel
15 and does not communicate with counsel, counsel may ask the court for
16 leave to withdraw for that reason. If satisfied, after affording the
17 alleged incapacitated person an opportunity for a hearing, that the
18 request is justified, the court may grant the request and allow the
19 case to proceed with the alleged incapacitated person unrepresented.

20 (2) During the pendency of any guardianship, any attorney
21 purporting to represent a person alleged or adjudicated to be
22 incapacitated shall petition to be appointed to represent the
23 incapacitated or alleged incapacitated person. Fees for representation
24 described in this section shall be subject to approval by the court
25 pursuant to the provisions of RCW 11.92.180.

26 (3) The alleged incapacitated person is further entitled to testify
27 and present evidence and, upon request, entitled to a jury trial on the
28 issues of his or her alleged incapacity. Only the alleged
29 incapacitated person or the alleged incapacitated person's attorney may
30 request a jury trial. The standard of proof to be applied in a
31 contested case, whether before a jury or the court, shall be that of
32 clear, cogent, and convincing evidence.

33 (4) In all proceedings for appointment of a guardian or limited
34 guardian, the court must be presented with a written report from a
35 physician licensed to practice under chapter 18.71 or 18.57 RCW or
36 licensed or certified psychologist selected by the guardian ad litem.
37 If the alleged incapacitated person opposes the health care
38 professional selected by the guardian ad litem to prepare the medical
39 report, then the guardian ad litem shall use the health care

1 professional selected by the alleged incapacitated person. The
2 guardian ad litem may also obtain a supplemental examination. The
3 physician or psychologist shall have personally examined and
4 interviewed the alleged incapacitated person within thirty days of
5 preparation of the report to the court and shall have expertise in the
6 type of disorder or incapacity the alleged incapacitated person is
7 believed to have. The report shall contain the following information
8 and shall be set forth in substantially the following format:

9 (a) The name and address of the examining physician or
10 psychologist;

11 (b) The education and experience of the physician or psychologist
12 pertinent to the case;

13 (c) The dates of examinations of the alleged incapacitated person;

14 (d) A summary of the relevant medical, functional, neurological,
15 psychological, or psychiatric history of the alleged incapacitated
16 person as known to the examining physician or psychologist;

17 (e) The findings of the examining physician or psychologist as to
18 the condition of the alleged incapacitated person;

19 (f) Current medications;

20 (g) The effect of current medications on the alleged incapacitated
21 person's ability to understand or participate in guardianship
22 proceedings;

23 (h) Opinions on the specific assistance the alleged incapacitated
24 person needs;

25 (i) Identification of persons with whom the physician or
26 psychologist has met or spoken regarding the alleged incapacitated
27 person.

28 The court shall not enter an order appointing a guardian or limited
29 guardian until a medical or psychological report meeting the above
30 requirements is filed.

31 The requirement of filing a medical report is waived if the basis
32 of the guardianship is minority.

33 (5) During the pendency of an action to establish a guardianship,
34 a petitioner or any person may move for temporary relief under chapter
35 7.40 RCW, to protect the alleged incapacitated person from abuse,
36 neglect, abandonment, or exploitation, as those terms are defined in
37 RCW 74.34.020, or to address any other emergency needs of the alleged
38 incapacitated person. Any alternative arrangement executed before
39 filing the petition for guardianship shall remain effective unless the

1 court grants the relief requested under chapter 7.40 RCW, or unless,
2 following notice and a hearing at which all parties directly affected
3 by the arrangement are present, the court finds that the alternative
4 arrangement should not remain effective.

5 **Sec. 2.** RCW 11.88.090 and 1996 c 249 s 10 are each amended to read
6 as follows:

7 (1) Nothing contained in RCW 11.88.080 through 11.88.120, 11.92.010
8 through 11.92.040, 11.92.060 through 11.92.120, 11.92.170, and
9 11.92.180 shall affect or impair the power of any court to appoint a
10 guardian ad litem to defend the interests of any incapacitated person
11 interested in any suit or matter pending therein, or to commence and
12 prosecute any suit in his or her behalf.

13 (2) Upon receipt of a petition for appointment of guardian or
14 limited guardian, except as provided herein, the court shall appoint a
15 guardian ad litem to represent the best interests of the alleged
16 incapacitated person, who shall be a person found or known by the court
17 to:

18 (a) Be free of influence from anyone interested in the result of
19 the proceeding; and

20 (b) Have the requisite knowledge, training, or expertise to perform
21 the duties required by this section.

22 The guardian ad litem shall within five days of receipt of notice
23 of appointment file with the court and serve, either personally or by
24 certified mail with return receipt, each party with a statement
25 including: His or her training relating to the duties as a guardian ad
26 litem; his or her criminal history as defined in RCW 9.94A.030 for the
27 period covering ten years prior to the appointment; his or her hourly
28 rate, if compensated; whether the guardian ad litem has had any contact
29 with a party to the proceeding prior to his or her appointment; and
30 whether he or she has an apparent conflict of interest. Within three
31 days of the later of the actual service or filing of the guardian ad
32 litem's statement, any party may set a hearing and file and serve a
33 motion for an order to show cause why the guardian ad litem should not
34 be removed for one of the following three reasons: (i) Lack of
35 expertise necessary for the proceeding; (ii) an hourly rate higher than
36 what is reasonable for the particular proceeding; or (iii) a conflict
37 of interest. Notice of the hearing shall be provided to the guardian
38 ad litem and all parties. If, after a hearing, the court enters an

1 order replacing the guardian ad litem, findings shall be included,
2 expressly stating the reasons for the removal. If the guardian ad
3 litem is not removed, the court has the authority to assess to the
4 moving party, attorneys' fees and costs related to the motion. The
5 court shall assess attorneys' fees and costs for frivolous motions.

6 No guardian ad litem need be appointed when a parent is petitioning
7 for a guardian or a limited guardian to be appointed for his or her
8 minor child and the minority of the child, as defined by RCW 11.92.010,
9 is the sole basis of the petition. The order appointing the guardian
10 ad litem shall recite the duties set forth in subsection (4) of this
11 section. The appointment of a guardian ad litem shall have no effect
12 on the legal competency of the alleged incapacitated person and shall
13 not overcome the presumption of competency or full legal and civil
14 rights of the alleged incapacitated person.

15 (3)(a) The superior court of each county shall develop and maintain
16 a registry of persons who are willing and qualified to serve as
17 guardians ad litem in guardianship matters. The court shall choose as
18 guardian ad litem a person whose name appears on the registry in a
19 system of consistent rotation, except in extraordinary circumstances
20 such as the need for particular expertise. The court shall develop
21 procedures for periodic review of the persons on the registry and for
22 probation, suspension, or removal of persons on the registry for
23 failure to perform properly their duties as guardian ad litem. In the
24 event the court does not select the person next on the list, it shall
25 include in the order of appointment a written reason for its decision.

26 (b) To be eligible for the registry a person shall:

27 (i) Present a written statement outlining his or her background and
28 qualifications. The background statement shall include, but is not
29 limited to, the following information:

30 (A) Level of formal education;

31 (B) Training related to the guardian ad litem's duties;

32 (C) Number of years' experience as a guardian ad litem;

33 (D) Number of appointments as a guardian ad litem and the county or
34 counties of appointment;

35 (E) Criminal history, as defined in RCW 9.94A.030; and

36 (F) Evidence of the person's knowledge, training, and experience in
37 each of the following: Needs of impaired elderly people, physical
38 disabilities, mental illness, developmental disabilities, and other

1 areas relevant to the needs of incapacitated persons, legal procedure,
2 and the requirements of chapters 11.88 and 11.92 RCW.

3 The written statement of qualifications shall include a statement
4 of the number of times the guardian ad litem has been removed for
5 failure to perform his or her duties as guardian ad litem; and

6 (ii) Complete the model training program as described in (d) of
7 this subsection.

8 (c) The background and qualification information shall be updated
9 annually.

10 (d) The department of social and health services shall convene an
11 advisory group to develop a model guardian ad litem training program
12 and shall update the program biennially. The advisory group shall
13 consist of representatives from consumer, advocacy, and professional
14 groups knowledgeable in developmental disabilities, neurological
15 impairment, physical disabilities, mental illness, aging, legal, court
16 administration, the Washington state bar association, and other
17 interested parties.

18 (e) The superior court shall require utilization of the model
19 program developed by the advisory group as described in (d) of this
20 subsection, to assure that candidates applying for registration as a
21 qualified guardian ad litem shall have satisfactorily completed
22 training to attain these essential minimum qualifications to act as
23 guardian ad litem.

24 (4) The guardian ad litem appointed pursuant to this section shall
25 have the following duties:

26 (a) To meet and consult with the alleged incapacitated person as
27 soon as practicable following appointment and explain, in language
28 which such person can reasonably be expected to understand, the
29 substance of the petition, the nature of the resultant proceedings, the
30 person's right to contest the petition, the identification of the
31 proposed guardian or limited guardian, the right to a jury trial on the
32 issue of his or her alleged incapacity, the right to independent legal
33 counsel as provided by RCW 11.88.045, and the right to be present in
34 court at the hearing on the petition;

35 (b) To obtain a written report according to RCW 11.88.045; and such
36 other written or oral reports from other qualified professionals as are
37 necessary to permit the guardian ad litem to complete the report
38 required by this section;

1 (c) To meet with the person whose appointment is sought as guardian
2 or limited guardian and ascertain:

3 (i) The proposed guardian's knowledge of the duties, requirements,
4 and limitations of a guardian; and

5 (ii) The steps the proposed guardian intends to take or has taken
6 to identify and meet the needs of the alleged incapacitated person;

7 (d) To consult as necessary to complete the investigation and
8 report required by this section with those known relatives, friends, or
9 other persons the guardian ad litem determines have had a significant,
10 continuing interest in the welfare of the alleged incapacitated person;

11 (e) To investigate alternate arrangements made, or which might be
12 created, by or on behalf of the alleged incapacitated person, such as
13 revocable or irrevocable trusts, or durable powers of attorney; whether
14 good cause exists for any such arrangements to be discontinued; and why
15 such arrangements should not be continued or created in lieu of a
16 guardianship;

17 (f) To provide the court with a written report which shall include
18 the following:

19 (i) A description of the nature, cause, and degree of incapacity,
20 and the basis upon which this judgment was made;

21 (ii) A description of the needs of the incapacitated person for
22 care and treatment, the probable residential requirements of the
23 alleged incapacitated person and the basis upon which these findings
24 were made;

25 (iii) An evaluation of the appropriateness of the guardian or
26 limited guardian whose appointment is sought and a description of the
27 steps the proposed guardian has taken or intends to take to identify
28 and meet current and emerging needs of the incapacitated person;

29 (iv) A description of any alternative arrangements previously made
30 by the alleged incapacitated person or which could be made, and whether
31 and to what extent such alternatives should be used in lieu of a
32 guardianship, and if the guardian ad litem is recommending
33 discontinuation of any such arrangements, specific findings as to why
34 such arrangements are contrary to the best interest of the alleged
35 incapacitated person;

36 (v) A description of the abilities of the alleged incapacitated
37 person and a recommendation as to whether a guardian or limited
38 guardian should be appointed. If appointment of a limited guardian is
39 recommended, the guardian ad litem shall recommend the specific areas

1 of authority the limited guardian should have and the limitations and
2 disabilities to be placed on the incapacitated person;

3 (vi) An evaluation of the person's mental ability to rationally
4 exercise the right to vote and the basis upon which the evaluation is
5 made;

6 (vii) Any expression of approval or disapproval made by the alleged
7 incapacitated person concerning the proposed guardian or limited
8 guardian or guardianship or limited guardianship;

9 (viii) Identification of persons with significant interest in the
10 welfare of the alleged incapacitated person who should be advised of
11 their right to request special notice of proceedings pursuant to RCW
12 11.92.150; and

13 (ix) Unless independent counsel has appeared for the alleged
14 incapacitated person, an explanation of how the alleged incapacitated
15 person responded to the advice of the right to jury trial, to
16 independent counsel and to be present at the hearing on the petition.

17 Within forty-five days after notice of commencement of the
18 guardianship proceeding has been served upon the guardian ad litem, and
19 at least fifteen days before the hearing on the petition, unless an
20 extension or reduction of time has been granted by the court for good
21 cause, the guardian ad litem shall file its report and send a copy to
22 the alleged incapacitated person and his or her counsel, spouse, all
23 children not residing with a notified person, those persons described
24 in (f)(viii) of this subsection, and persons who have filed a request
25 for special notice pursuant to RCW 11.92.150. If the guardian ad litem
26 needs additional time to finalize his or her report, then the guardian
27 ad litem shall petition the court for a postponement of the hearing or,
28 with the consent of all other parties, an extension or reduction of
29 time for filing the report. If the hearing does not occur within sixty
30 days of filing the petition, then upon the two-month anniversary of
31 filing the petition and on or before the same day of each following
32 month until the hearing, the guardian ad litem shall file interim
33 reports summarizing his or her activities on the proceeding during that
34 time period as well as fees and costs incurred;

35 (g) To advise the court of the need for appointment of counsel for
36 the alleged incapacitated person within five court days after the
37 meeting described in (a) of this subsection unless (i) counsel has
38 appeared, (ii) the alleged incapacitated person affirmatively
39 communicated a wish not to be represented by counsel after being

1 advised of the right to representation and of the conditions under
2 which court-provided counsel may be available, or (iii) the alleged
3 incapacitated person was unable to communicate at all on the subject,
4 and the guardian ad litem is satisfied that the alleged incapacitated
5 person does not affirmatively desire to be represented by counsel.

6 (5) If the petition is brought by an interested person or entity
7 requesting the appointment of some other qualified person or entity and
8 a prospective guardian or limited guardian cannot be found, the court
9 shall order the guardian ad litem to investigate the availability of a
10 possible guardian or limited guardian and to include the findings in a
11 report to the court pursuant to subsection (4)(f) of this section.

12 (6) The parties to the proceeding may file responses to the
13 guardian ad litem report with the court and deliver such responses to
14 the other parties and the guardian ad litem at any time up to the
15 second day prior to the hearing. If a guardian ad litem fails to file
16 his or her report in a timely manner, the hearing shall be continued to
17 give the court and the parties at least fifteen days before the hearing
18 to review the report. At any time during the proceeding upon motion of
19 any party or on the court's own motion, the court may remove the
20 guardian ad litem for failure to perform his or her duties as specified
21 in this chapter, provided that the guardian ad litem shall have five
22 days' notice of any motion to remove before the court enters such
23 order. In addition, the court in its discretion may reduce a guardian
24 ad litem's fee for failure to carry out his or her duties.

25 (7) The court appointed guardian ad litem shall have the authority,
26 in the event that the alleged incapacitated person is in need of
27 emergency life-saving medical services, and is unable to consent to
28 such medical services due to incapacity pending the hearing on the
29 petition to give consent for such emergency life-saving medical
30 services on behalf of the alleged incapacitated person.

31 (8) The court-appointed guardian ad litem shall have the authority
32 to move for temporary relief under chapter 7.40 RCW to protect the
33 alleged incapacitated person from abuse, neglect, abandonment, or
34 exploitation, as those terms are defined in RCW 74.34.020, or to
35 address any other emergency needs of the alleged incapacitated person.
36 Any alternative arrangement executed before filing the petition for
37 guardianship shall remain effective unless the court grants the relief
38 requested under chapter 7.40 RCW, or unless, following notice and a
39 hearing at which all parties directly affected by the arrangement are

1 present, the court finds that the alternative arrangement should not
2 remain effective.

3 (9) The guardian ad litem shall receive a just and reasonable fee,
4 as determined by the court. The fee shall be charged to the alleged
5 incapacitated person unless the court finds that such payment would
6 result in substantial hardship upon such person, in which case the
7 county shall be responsible for such costs: PROVIDED, That if no
8 guardian or limited guardian is appointed the court may charge such fee
9 to the petitioner or the alleged incapacitated person or to any other
10 party, or divide the fee, as it deems just; and if the petition or any
11 proceeding is found to be frivolous or not brought in good faith, the
12 guardian ad litem fee shall be charged to the petitioner or the party
13 who initiated the proceeding. When determining whether the guardian ad
14 litem fees requested are just and reasonable and when determining the
15 proper party to pay the fees, the court may, in its discretion,
16 consider whether the person or estate of the ward was benefited by the
17 proceedings and any other factors the court considers relevant. The
18 court shall not be required to provide for the payment of a fee to any
19 salaried employee of a public agency.

20 (10) Upon the presentation of the guardian ad litem report and the
21 entry of an order either dismissing the petition for appointment of
22 guardian or limited guardian or appointing a guardian or limited
23 guardian, the guardian ad litem shall be dismissed and shall have no
24 further duties or obligations unless otherwise ordered by the court.
25 If the court orders the guardian ad litem to perform further duties or
26 obligations, (~~they shall not~~) the duties of the guardian ad litem may
27 be performed at county expense with prior court approval.

28 (11) The guardian ad litem shall appear in person at all hearings
29 on the petition unless all parties provide a written waiver of the
30 requirement to appear.

31 (12) At any hearing the court may consider whether any person who
32 makes decisions regarding the alleged incapacitated person or estate
33 has breached a statutory or fiduciary duty.

34 **Sec. 3.** RCW 11.88.095 and 1995 c 297 s 5 are each amended to read
35 as follows:

36 (1) In determining the disposition of a petition for guardianship,
37 the court's order shall be based upon findings as to the capacities,

1 condition, and needs of the alleged incapacitated person, and shall not
2 be based solely upon agreements made by the parties.

3 (2) Every order appointing a full or limited guardian of the person
4 or estate shall include:

5 (a) Findings as to the capacities, condition, and needs of the
6 alleged incapacitated person;

7 (b) The amount of the bond, if any, or a bond review period;

8 (c) When the next report of the guardian is due;

9 (d) Whether the guardian ad litem shall continue acting as guardian
10 ad litem;

11 (e) Whether the court-appointed attorney for the alleged
12 incapacitated person, if any, shall continue acting as attorney for the
13 alleged incapacitated person and the scope of the representation;

14 (f) Whether a review hearing shall be required upon the filing of
15 the inventory;

16 ~~((f))~~ (g) The authority of the guardian, if any, for investment
17 and expenditure of the ward's estate; and

18 ~~((g))~~ (h) Names and addresses of those persons described in RCW
19 11.88.090~~((5)(d))~~ (4)(d), if any, whom the court believes should
20 receive copies of further pleadings filed by the guardian with respect
21 to the guardianship.

22 (i) If the petition requests reasonable attorneys' fees be paid
23 from the estate of the ward, or if any other party to the proceedings
24 petitions for the award of attorneys' fees to be paid from the ward's
25 estate, the court may, at the time of the disposition of the petition
26 for guardianship or at another appropriate time, make a finding whether
27 the attorneys' fees requested are just and reasonable and properly
28 payable from the ward's estate and whether any such fees should be
29 charged to any other party. In determining whether the attorneys' fees
30 requested are just and reasonable and properly payable from the ward's
31 estate, the court, in its discretion, may consider whether the person
32 or estate of the ward was benefited by the proceedings and any other
33 factors the court considers relevant.

34 (3) If the court determines that a limited guardian should be
35 appointed, the order shall specifically set forth the limits by either
36 stating exceptions to the otherwise full authority of the guardian or
37 by stating the specific authority of the guardian.

38 (4) In determining the disposition of a petition for appointment of
39 a guardian or limited guardian of the estate only, the court shall

1 consider whether the alleged incapacitated person is capable of giving
2 informed medical consent or of making other personal decisions and, if
3 not, whether a guardian or limited guardian of the person of the
4 alleged incapacitated person should be appointed for that purpose.

5 (5) Unless otherwise ordered, any powers of attorney or durable
6 powers of attorney shall be revoked upon appointment of a guardian or
7 limited guardian of the estate.

8 If there is an existing medical power of attorney, the court must
9 make a specific finding of fact regarding the continued validity of
10 that medical power of attorney before appointing a guardian or limited
11 guardian for the person.

12 **Sec. 4.** RCW 11.92.180 and 1995 c 297 s 8 are each amended to read
13 as follows:

14 A guardian or limited guardian shall be allowed such compensation
15 for his or her services as guardian or limited guardian as the court
16 shall deem just and reasonable. Guardians and limited guardians shall
17 not be compensated at county or state expense. Additional compensation
18 may be allowed for other administrative costs, including services of an
19 attorney and for other services not provided by the guardian or limited
20 guardian. An attorney shall be allowed such compensation for his or
21 her services as the court shall deem just and reasonable. In
22 determining whether the attorneys' fees requested are just and
23 reasonable and properly payable from the ward's estate, the court, in
24 its discretion, may consider whether the person or estate of the ward
25 was benefited by the proceedings and any other factors the court
26 considers relevant. Where a guardian or limited guardian is an
27 attorney, the guardian or limited guardian shall separately account for
28 time for which compensation is requested for services as a guardian or
29 limited guardian as contrasted to time for which compensation for legal
30 services provided to the guardianship is requested. In all cases,
31 compensation of the guardian or limited guardian and his or her
32 expenses including attorney's fees shall be fixed by the court and may
33 be allowed at any annual or final accounting; but at any time during
34 the administration of the estate, the guardian or limited guardian or
35 his or her attorney may apply to the court for an allowance upon the
36 compensation or necessary expenses of the guardian or limited guardian
37 and for attorney's fees for services already performed. If the court
38 finds that the guardian or limited guardian has failed to discharge his

1 or her duties as such in any respect, it may deny the guardian any
2 compensation whatsoever or may reduce the compensation which would
3 otherwise be allowed. Where the incapacitated person is a department
4 of social and health services client residing in a nursing facility or
5 in a residential or home setting and is required by the department of
6 social and health services to contribute a portion of their income
7 towards the cost of residential or supportive services then the
8 department shall be entitled to notice of proceedings as described in
9 RCW 11.92.150. The amount of guardianship fees and additional
10 compensation for administrative costs shall not exceed the amount
11 allowed by the department of social and health services by rule.

12 NEW SECTION. **Sec. 5.** (1) The legislature finds, as stated in the
13 final report of the guardian certification study committee, which
14 convened by legislative mandate in 1997, that the committee recommended
15 further study of the issue presented by the sentence in RCW 11.92.180
16 which reads: "The amount of guardianship fees and additional
17 compensation for administrative costs shall not exceed the amount
18 allowed by the department of social and health services by rule." The
19 legislature concurs with the committee that there is a need for
20 additional study on the stated issue. The legislature intends to
21 commission an additional study by the committee to resolve that issue.

22 (2) The guardian certification study committee or as many members
23 of that 1997 committee as may be reassembled with the aid of the
24 administrator for the courts, who may appoint additional members as
25 appropriate, shall convene and study the issue set forth in subsection
26 (1) of this section. The committee shall deliver its recommendations
27 on the issue to the legislature by December 1, 1998.

28 (3) This section shall expire July 1, 1999.

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