

2 **ESHB 2272** - S AMD - 433

3 By Senator West

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 82.24 RCW  
8 to read as follows:

9 In transferring the enforcement of existing cigarette and tobacco  
10 taxes from the department of revenue to the liquor control board, it is  
11 the intent of the legislature that the cigarette and tobacco tax laws  
12 of the state of Washington be actively enforced. Enforcement officers  
13 of the liquor control board appointed under section 10 or 11 of this  
14 act shall pursue all necessary means within their statutory authority  
15 in order to ensure compliance with chapters 82.24 and 82.26 RCW.

16 **Sec. 2.** RCW 66.44.010 and 1987 c 202 s 224 are each amended to  
17 read as follows:

18 (1) All county and municipal peace officers are hereby charged with  
19 the duty of investigating and prosecuting all violations of this title,  
20 and the penal laws of this state relating to the manufacture,  
21 importation, transportation, possession, distribution and sale of  
22 liquor, and all fines imposed for violations of this title and the  
23 penal laws of this state relating to the manufacture, importation,  
24 transportation, possession, distribution and sale of liquor shall  
25 belong to the county, city or town wherein the court imposing the fine  
26 is located, and shall be placed in the general fund for payment of the  
27 salaries of those engaged in the enforcement of the provisions of this  
28 title and the penal laws of this state relating to the manufacture,  
29 importation, transportation, possession, distribution and sale of  
30 liquor: PROVIDED, That all fees, fines, forfeitures and penalties  
31 collected or assessed by a district court because of the violation of  
32 a state law shall be remitted as provided in chapter 3.62 RCW as now  
33 exists or is later amended.

34 (2) In addition to any and all other powers granted, the board  
35 shall have the power to enforce the penal provisions of this title and

1 the penal laws of this state relating to the manufacture, importation,  
2 transportation, possession, distribution and sale of liquor.

3 (3)(a) In addition to the other duties under this section, the  
4 board shall enforce chapters 82.24 and 82.26 RCW.

5 (b) Through active enforcement of chapters 82.24 and 82.26 RCW and  
6 negotiation of cooperative agreements as authorized under section 12 of  
7 this act, the board shall reduce the ninety million dollars in lost  
8 cigarette and tobacco tax revenue due to tax evasion. The board shall  
9 achieve a net decrease in lost cigarette and tobacco revenue according  
10 to the following schedules:

11 (i) By June 30, 1998, at least five percent;

12 (ii) By June 30, 1999, at least twelve and one-half percent;

13 (iii) By June 30, 2000, at least thirty percent;

14 (iv) By June 30, 2001, at least thirty-seven and one-half percent;

15 and

16 (v) By June 30, 2002, at least fifty percent.

17 The board shall sustain the fifty percent net decrease in lost  
18 revenue due to cigarette and tobacco tax evasion after June 30, 2002.

19 (4) The board may appoint and employ, assign to duty and fix the  
20 compensation of, officers to be designated as liquor enforcement  
21 officers. Such liquor enforcement officers shall have the power, under  
22 the supervision of the board, to enforce the penal provisions of this  
23 title and the penal laws of this state relating to the manufacture,  
24 importation, transportation, possession, distribution and sale of  
25 liquor, and the provisions of chapters 82.24 and 82.26 RCW. They shall  
26 have the power and authority to serve and execute all warrants and  
27 process of law issued by the courts in enforcing the penal provisions  
28 of this title or of any penal law of this state relating to the  
29 manufacture, importation, transportation, possession, distribution and  
30 sale of liquor. They shall have the power to arrest without a warrant  
31 any person or persons found in the act of violating any of the penal  
32 provisions of this title or of any penal law of this state relating to  
33 the manufacture, importation, transportation, possession, distribution  
34 and sale of liquor, and the provisions of chapters 82.24 and 82.26 RCW.

35 **Sec. 3.** RCW 82.24.010 and 1995 c 278 s 1 are each amended to read  
36 as follows:

37 Unless the context clearly requires otherwise, the definitions in  
38 this section apply throughout this chapter:

1           (1) "Board" means the liquor control board.

2           (2) "Cigarette" means any roll for smoking made wholly or in part  
3 of tobacco, irrespective of size or shape and irrespective of the  
4 tobacco being flavored, adulterated, or mixed with any other  
5 ingredient, where such roll has a wrapper or cover made of paper or any  
6 material, except where such wrapper is wholly or in the greater part  
7 made of natural leaf tobacco in its natural state.

8           (~~(2)~~) (3) "Indian tribal organization" means a federally  
9 recognized Indian tribe, or tribal entity, and includes an Indian  
10 wholesaler or retailer that is owned by an Indian who is an enrolled  
11 tribal member conducting business under tribal license or similar  
12 tribal approval within Indian country. For purposes of this chapter  
13 "Indian country" is defined in the manner set forth in 18 U.S.C. Sec.  
14 1151.

15           (~~(3)~~) (4) "Precollection obligation" means the obligation of a  
16 seller otherwise exempt from the tax imposed by this chapter to collect  
17 the tax from that seller's buyer.

18           (~~(4)~~) (5) "Retailer" means every person, other than a wholesaler,  
19 who purchases, sells, offers for sale or distributes any one or more of  
20 the articles taxed herein, irrespective of quantity or amount, or the  
21 number of sales, and all persons operating under a retailer's  
22 registration certificate.

23           (~~(5)~~) (6) "Retail selling price" means the ordinary, customary or  
24 usual price paid by the consumer for each package of cigarettes, less  
25 the tax levied by this chapter and less any similar tax levied by this  
26 state.

27           (~~(6)~~) (7) "Stamp" means the stamp or stamps by use of which the  
28 tax levy under this chapter is paid or identification is made of those  
29 cigarettes with respect to which no tax is imposed.

30           (~~(7)~~) (8) "Wholesaler" means every person who purchases, sells,  
31 or distributes any one or more of the articles taxed herein to  
32 retailers for the purpose of resale only.

33           (~~(8)~~) (9) The meaning attributed, in chapter 82.04 RCW, to the  
34 words "person," "sale," "business" and "successor" applies equally in  
35 this chapter.

36           **Sec. 4.** RCW 82.24.110 and 1995 c 278 s 7 are each amended to read  
37 as follows:

1 (1) Each of the following acts is a gross misdemeanor and  
2 punishable as such:

3 (a) To sell, except as a licensed wholesaler engaged in interstate  
4 commerce as to the article being taxed herein, without the stamp first  
5 being affixed;

6 (b) To sell in Washington as a wholesaler to a retailer who does  
7 not possess and is required to possess a current cigarette retailer's  
8 license;

9 (c) To use or have in possession knowingly or intentionally any  
10 forged or counterfeit stamps;

11 (d) For any person other than the department of revenue or its duly  
12 authorized agent to sell any stamps not affixed to any of the articles  
13 taxed herein whether such stamps are genuine or counterfeit;

14 (e) To violate any of the provisions of this chapter;

15 (f) To violate any lawful rule made and published by the department  
16 of revenue or the board;

17 (g) To use any stamps more than once;

18 (h) To refuse to allow the department of revenue or its duly  
19 authorized agent, on demand, to make full inspection of any place of  
20 business where any of the articles herein taxed are sold or otherwise  
21 hinder or prevent such inspection;

22 (i) Except as provided in this chapter, for any retailer to have in  
23 possession in any place of business any of the articles herein taxed,  
24 unless the same have the proper stamps attached;

25 (j) For any person to make, use, or present or exhibit to the  
26 department of revenue or its duly authorized agent, any invoice for any  
27 of the articles herein taxed which bears an untrue date or falsely  
28 states the nature or quantity of the goods therein invoiced;

29 (k) For any wholesaler or retailer or his or her agents or  
30 employees to fail to produce on demand of the department of revenue all  
31 invoices of all the articles herein taxed or stamps bought by him or  
32 her or received in his or her place of business within five years prior  
33 to such demand unless he or she can show by satisfactory proof that the  
34 nonproduction of the invoices was due to causes beyond his or her  
35 control;

36 (l) For any person to receive in this state any shipment of any of  
37 the articles taxed herein, when the same are not stamped, for the  
38 purpose of avoiding payment of tax. It is presumed that persons other

1 than dealers who purchase or receive shipments of unstamped cigarettes  
2 do so to avoid payment of the tax imposed herein;

3 (m) For any person to possess or transport in this state a quantity  
4 of sixty thousand cigarettes or less unless the proper stamps required  
5 by this chapter have been affixed or unless: (i) Notice of the  
6 possession or transportation has been given as required by RCW  
7 82.24.250; (ii) the person transporting the cigarettes has in actual  
8 possession invoices or delivery tickets which show the true name and  
9 address of the consignor or seller, the true name and address of the  
10 consignee or purchaser, and the quantity and brands of the cigarettes  
11 so transported; and (iii) the cigarettes are consigned to or purchased  
12 by any person in this state who is authorized by this chapter to  
13 possess unstamped cigarettes in this state.

14 (2) It is unlawful for any person knowingly or intentionally to  
15 possess or to transport in this state a quantity in excess of sixty  
16 thousand cigarettes unless the proper stamps required by this chapter  
17 are affixed thereto or unless: (a) Proper notice as required by RCW  
18 82.24.250 has been given; (b) the person transporting the cigarettes  
19 actually possesses invoices or delivery tickets showing the true name  
20 and address of the consignor or seller, the true name and address of  
21 the consignee or purchaser, and the quantity and brands of the  
22 cigarettes so transported; and (c) the cigarettes are consigned to or  
23 purchased by a person in this state who is authorized by this chapter  
24 to possess unstamped cigarettes in this state. Violation of this  
25 section shall be punished as a class C felony under Title 9A RCW.

26 (3) All agents, employees, and others who aid, abet, or otherwise  
27 participate in any way in the violation of the provisions of this  
28 chapter or in any of the offenses described in this chapter shall be  
29 guilty and punishable as principals, to the same extent as any  
30 wholesaler or retailer or any other person violating this chapter.

31 **Sec. 5.** RCW 82.24.130 and 1990 c 216 s 5 are each amended to read  
32 as follows:

33 (1) The following are subject to seizure and forfeiture:

34 (a) Subject to RCW 82.24.250, any articles taxed in this chapter  
35 that are found at any point within this state, which articles are held,  
36 owned, or possessed by any person, and that do not have the stamps  
37 affixed to the packages or containers.

1 (b) All conveyances, including aircraft, vehicles, or vessels,  
2 which are used, or intended for use, to transport, or in any manner to  
3 facilitate the transportation, for the purpose of sale or receipt of  
4 property described in (a) of this subsection, except:

5 (i) A conveyance used by any person as a common or contract carrier  
6 having in actual possession invoices or delivery tickets showing the  
7 true name and address of the consignor or seller, the true name of the  
8 consignee or purchaser, and the quantity and brands of the cigarettes  
9 transported, unless it appears that the owner or other person in charge  
10 of the conveyance is a consenting party or privy to a violation of this  
11 chapter;

12 (ii) A conveyance subject to forfeiture under this section by  
13 reason of any act or omission of which the owner thereof establishes to  
14 have been committed or omitted without his or her knowledge or consent;

15 (iii) A conveyance encumbered by a bona fide security interest if  
16 the secured party neither had knowledge of nor consented to the act or  
17 omission.

18 (c) Any vending machine used for the purpose of violating the  
19 provisions of this chapter.

20 (2) Property subject to forfeiture under this chapter may be seized  
21 by any agent of the department authorized to collect taxes, any  
22 enforcement officer of the board, or law enforcement officer of this  
23 state upon process issued by any superior court or district court  
24 having jurisdiction over the property. Seizure without process may be  
25 made if:

26 (a) The seizure is incident to an arrest or a search under a search  
27 warrant or an inspection under an administrative inspection warrant; or

28 (b) The department, the board, or the law enforcement officer has  
29 probable cause to believe that the property was used or is intended to  
30 be used in violation of this chapter and exigent circumstances exist  
31 making procurement of a search warrant impracticable.

32 (3) Notwithstanding the foregoing provisions of this section,  
33 articles taxed in this chapter which are in the possession of a  
34 wholesaler or retailer, licensed under Washington state law, for a  
35 period of time necessary to affix the stamps after receipt of the  
36 articles, shall not be considered contraband.

37 **Sec. 6.** RCW 82.24.190 and 1987 c 202 s 244 are each amended to  
38 read as follows:

1           When the department of revenue or the board has good reason to  
2 believe that any of the articles taxed herein are being kept, sold,  
3 offered for sale, or given away in violation of the provisions of this  
4 chapter or regulations issued under authority hereof, it may make  
5 affidavit of such fact, describing the place or thing to be searched,  
6 before any judge of any court in this state, and such judge shall issue  
7 a search warrant directed to the sheriff, any deputy, police officer,  
8 or duly authorized agent of the department of revenue commanding him or  
9 her diligently to search any building, room in a building, place or  
10 vehicle as may be designated in the affidavit and search warrant, and  
11 to seize such tobacco so possessed and to hold the same until disposed  
12 of by law, and to arrest the person in possession or control thereof.  
13 If upon the return of such warrant, it shall appear that any of the  
14 articles taxed herein, unlawfully possessed, were seized, the same  
15 shall be sold as provided in this chapter.

16           **Sec. 7.** RCW 82.24.250 and 1995 c 278 s 10 are each amended to read  
17 as follows:

18           (1) No person other than: (a) A licensed wholesaler in the  
19 wholesaler's own vehicle; or (b) a person who has given notice to the  
20 (~~department~~) the board in advance of the commencement of  
21 transportation shall transport or cause to be transported in this state  
22 cigarettes not having the stamps affixed to the packages or containers.

23           (2) When transporting unstamped cigarettes, such persons shall have  
24 in their actual possession or cause to have in the actual possession of  
25 those persons transporting such cigarettes on their behalf invoices or  
26 delivery tickets for such cigarettes, which shall show the true name  
27 and address of the consignor or seller, the true name and address of  
28 the consignee or purchaser, and the quantity and brands of the  
29 cigarettes so transported.

30           (3) If the cigarettes are consigned to or purchased by any person  
31 in this state such purchaser or consignee must be a person who is  
32 authorized by chapter 82.24 RCW to possess unstamped cigarettes in this  
33 state.

34           (4) In the absence of the notice of transportation required by this  
35 section or in the absence of such invoices or delivery tickets, or, if  
36 the name or address of the consignee or purchaser is falsified or if  
37 the purchaser or consignee is not a person authorized by chapter 82.24  
38 RCW to possess unstamped cigarettes, the cigarettes so transported

1 shall be deemed contraband subject to seizure and sale under the  
2 provisions of RCW 82.24.130.

3 (5) Transportation of cigarettes from a point outside this state to  
4 a point in some other state will not be considered a violation of this  
5 section provided that the person so transporting such cigarettes has in  
6 his possession adequate invoices or delivery tickets which give the  
7 true name and address of such out-of-state seller or consignor and such  
8 out-of-state purchaser or consignee.

9 (6) In any case where the department or its duly authorized agent,  
10 or any peace officer of the state, has knowledge or reasonable grounds  
11 to believe that any vehicle is transporting cigarettes in violation of  
12 this section, the department, such agent, or such police officer, is  
13 authorized to stop such vehicle and to inspect the same for contraband  
14 cigarettes.

15 (7) For purposes of this section, the term "person authorized by  
16 chapter 82.24 RCW to possess unstamped cigarettes" means:

17 (a) A wholesaler or retailer, licensed under Washington state law;

18 (b) The United States or an agency thereof; and

19 (c) Any person, including an Indian tribal organization, who, after  
20 notice has been given to the ((department)) board as provided in this  
21 section, brings or causes to be brought into the state unstamped  
22 cigarettes, if within a period of time after receipt of the cigarettes  
23 as the department determines by rule to be reasonably necessary for the  
24 purpose the person has caused stamps to be affixed in accordance with  
25 RCW 82.24.030 or otherwise made payment of the tax required by this  
26 chapter in the manner set forth in rules adopted by the department.

27 **Sec. 8.** RCW 82.24.550 and 1993 c 507 s 17 are each amended to read  
28 as follows:

29 (1) The ((department of revenue)) board shall enforce the  
30 provisions of this chapter ((except RCW 82.24.500, which will be  
31 enforced by the liquor control board)). The board may adopt, amend,  
32 and repeal rules necessary to enforce the provisions of this chapter.

33 (2) The department of revenue may adopt, amend, and repeal rules  
34 necessary to ((enforce and)) administer the provisions of this chapter.  
35 The department of revenue has full power and authority to revoke or  
36 suspend the license or permit of any wholesale or retail cigarette  
37 dealer in the state upon sufficient cause appearing of the violation of



1 this chapter or upon the failure of such licensee to comply with any of  
2 the provisions of this chapter.

3 ~~((+2))~~ (3) A license shall not be suspended or revoked except upon  
4 notice to the licensee and after a hearing as prescribed by the  
5 department of revenue. The department of revenue, upon a finding by  
6 same, that the licensee has failed to comply with any provision of this  
7 chapter or any rule promulgated thereunder, shall, in the case of the  
8 first offender, suspend the license or licenses of the licensee for a  
9 period of not less than thirty consecutive business days, and, in the  
10 case of a second or plural offender, shall suspend the license or  
11 licenses for a period of not less than ninety consecutive business days  
12 nor more than twelve months, and, in the event the department of  
13 revenue finds the offender has been guilty of willful and persistent  
14 violations, it may revoke the license or licenses.

15 ~~((+3))~~ (4) Any person whose license or licenses have been so  
16 revoked may apply to the department of revenue at the expiration of one  
17 year for a reinstatement of the license or licenses. The license or  
18 licenses may be reinstated by the department of revenue if it appears  
19 to the satisfaction of the department of revenue that the licensee will  
20 comply with the provisions of this chapter and the rules promulgated  
21 thereunder.

22 ~~((+4))~~ (5) A person whose license has been suspended or revoked  
23 shall not sell cigarettes or permit cigarettes to be sold during the  
24 period of such suspension or revocation on the premises occupied by the  
25 person or upon other premises controlled by the person or others or in  
26 any other manner or form whatever.

27 ~~((+5))~~ (6) Any determination and order by the department of  
28 revenue, and any order of suspension or revocation by the department of  
29 revenue of the license or licenses, or refusal to reinstate a license  
30 or licenses after revocation shall be reviewable by an appeal to the  
31 superior court of Thurston county. The superior court shall review the  
32 order or ruling of the department of revenue and may hear the matter de  
33 novo, having due regard to the provisions of this chapter and the  
34 duties imposed upon the department of revenue and the board.

35 **Sec. 9.** RCW 82.32.300 and 1983 c 3 s 222 are each amended to read  
36 as follows:

37 The administration of this and chapters 82.04 through 82.27 RCW of  
38 this title is vested in the department of revenue which shall prescribe

1 forms and rules of procedure for the determination of the taxable  
2 status of any person, for the making of returns and for the  
3 ascertainment, assessment and collection of taxes and penalties imposed  
4 thereunder.

5 The department of revenue shall make and publish rules and  
6 regulations, not inconsistent therewith, necessary to enforce (~~their~~)  
7 provisions of this chapter and chapters 82.02 through 82.23B and 82.27  
8 RCW, and the liquor control board shall make and publish rules  
9 necessary to enforce chapters 82.24 and 82.26 RCW, which shall have the  
10 same force and effect as if specifically included therein, unless  
11 declared invalid by the judgment of a court of record not appealed  
12 from.

13 The department may employ such clerks, specialists, and other  
14 assistants as are necessary. Salaries and compensation of such  
15 employees shall be fixed by the department and shall be charged to the  
16 proper appropriation for the department.

17 The department shall exercise general supervision of the collection  
18 of taxes and, in the discharge of such duty, may institute and  
19 prosecute such suits or proceedings in the courts as may be necessary  
20 and proper.

21 NEW SECTION. **Sec. 10.** A new section is added to chapter 82.24 RCW  
22 to read as follows:

23 The department shall appoint, as duly authorized agents,  
24 enforcement officers of the liquor control board to enforce provisions  
25 of this chapter. These officers shall not be considered employees of  
26 the department.

27 NEW SECTION. **Sec. 11.** A new section is added to chapter 82.26 RCW  
28 to read as follows:

29 The department shall appoint, as duly authorized agents,  
30 enforcement officers of the liquor control board to enforce provisions  
31 of this chapter. These officers shall not be considered employees of  
32 the department.

33 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.06 RCW  
34 to read as follows:

35 (1) The governor is authorized and empowered to execute cooperative  
36 agreements with federally recognized Indian tribes or nations in the

1 state of Washington concerning the sales of cigarettes and tobacco.  
2 The liquor control board shall negotiate the cooperative agreements  
3 with the federally recognized Indian tribes or nations. The rate of  
4 tax imposed and collected on cigarettes and tobacco products under  
5 cooperative agreements shall be at the same rate as the taxes imposed  
6 on cigarettes and tobacco products under chapters 82.24 and 82.26 RCW,  
7 but the amount of taxes collected that may be retained by the Indian  
8 tribes or nations shall be as provided in the cooperative agreements.

9 (2) A cooperative agreement under this section shall be designed to  
10 contribute to the achievement of a net decrease in the ninety million  
11 dollars in cigarette and tobacco tax revenues that are lost annually,  
12 balancing the contribution of voluntary compliance, enforcement, and  
13 the cooperative agreement. In conjunction with active enforcement of  
14 chapters 82.24 and 82.26 RCW under RCW 66.44.010, cooperative  
15 agreements shall be designed to achieve a net decrease in lost  
16 cigarette and tobacco revenue according to the following schedules:

17 (a) By June 30, 1998, at least five percent;

18 (b) By June 30, 1999, at least twelve and one-half percent;

19 (c) By June 30, 2000, at least thirty percent;

20 (d) By June 30, 2001, at least thirty-seven and one-half percent;

21 and

22 (e) By June 30, 2002, at least fifty percent.

23 The board shall sustain the fifty percent net decrease in lost  
24 revenue due to cigarette and tobacco tax evasion after June 30, 2002.

25 (3) Of the revenues received by the state under cooperative  
26 agreements negotiated under this section, fifty percent shall be  
27 deposited in the violence reduction and drug enforcement account and  
28 fifty percent shall be deposited in the health services account.

29 (4) For the purposes of this section, "federally recognized Indian  
30 tribes or nations" means an Indian entity that is recognized as an  
31 Indian tribe or a self-governing dependent Indian community by the  
32 United States secretary of the interior.

33 NEW SECTION. **Sec. 13.** A new section is added to chapter 82.08 RCW  
34 to read as follows:

35 The tax levied by RCW 82.08.020 does not apply to sales of  
36 cigarettes or tobacco made by a federally recognized Indian tribe or  
37 nation or its licensees during the effective period of a cooperative

1 agreement entered into between the state and the federally recognized  
2 Indian tribe or nation under section 12 of this act.

3 NEW SECTION. **Sec. 14.** A new section is added to chapter 82.12 RCW  
4 to read as follows:

5 The provisions of this chapter do not apply in respect to the use  
6 of cigarettes or tobacco sold by a federally recognized Indian tribe or  
7 nation or its licensees during the effective period of a cooperative  
8 agreement entered into between the state and the federally recognized  
9 Indian tribe or nation under section 12 of this act.

10 NEW SECTION. **Sec. 15.** A new section is added to chapter 82.24 RCW  
11 to read as follows:

12 This chapter does not apply to the sale, use, consumption,  
13 handling, possession, or distribution of cigarettes by a federally  
14 recognized Indian tribe or nation or its licensees during the effective  
15 period of a cooperative agreement entered into between the state and  
16 the federally recognized Indian tribe or nation under section 12 of  
17 this act.

18 NEW SECTION. **Sec. 16.** A new section is added to chapter 82.26 RCW  
19 to read as follows:

20 This chapter does not apply to the sale, use, consumption,  
21 handling, possession, or distribution of tobacco by a federally  
22 recognized Indian tribe or nation or its licensees during the effective  
23 period of a cooperative agreement entered into between the state and  
24 the federally recognized Indian tribe or nation under section 12 of  
25 this act.

26 NEW SECTION. **Sec. 17.** This act is necessary for the immediate  
27 preservation of the public peace, health, or safety, or support of the  
28 state government and its existing public institutions, and takes effect  
29 immediately."

1 **ESHB 2272** - S AMD - 433

2 By Senator West

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4 On page 1, line 3 of the title, after "board;" strike the remainder  
5 of the title and insert "amending RCW 66.44.010, 82.24.010, 82.24.110,  
6 82.24.130, 82.24.190, 82.24.250, 82.24.550, and 82.32.300; adding new  
7 sections to chapter 82.24 RCW; adding new sections to chapter 82.26  
8 RCW; adding a new section to chapter 43.06 RCW; adding a new section to  
9 chapter 82.08 RCW; adding a new section to chapter 82.12 RCW;  
10 prescribing penalties; and declaring an emergency."

11

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