CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2791

55th Legislature 1998 Regular Session

Passed by the House March 7, 1998 CERTIFICATE Yeas 95 Nays 1 I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE** Speaker of the BILL 2791 as passed by the House of Representatives and the Senate on the House of Representatives dates hereon set forth. Passed by the Senate March 4, 1998 Yeas 38 Nays 10 President of the Senate Chief Clerk Approved FILED

Governor of the State of Washington

Secretary of State

State of Washington

ENGROSSED HOUSE BILL 2791

AS AMENDED BY THE SENATE

Passed Legislature - 1998 Regular Session

State of Washington

55th Legislature

1998 Regular Session

By Representatives Schoesler, Doumit, Sheahan, Ballasiotes, Radcliff, Sump, Sullivan, Mielke, Buck, Alexander, Boldt, Sterk, Crouse, Smith, Van Luven, Hickel, Koster, Mulliken, Johnson, Wensman, D. Sommers, Backlund and DeBolt

Read first time 01/20/98. Referred to Committee on Criminal Justice & Corrections.

- AN ACT Relating to methamphetamine; amending RCW 70.105D.070;
- 2 reenacting and amending RCW 9.94A.030; and creating a new section.
- 3 Sec. 1. RCW 9.94A.030 and 1997 c 365 s 1, 1997 c 340 s 4, 1997 c
- 4 339 s 1, 1997 c 338 s 2, 1997 c 144 s 1, and 1997 c 70 s 1 are each
- 5 reenacted and amended to read as follows:
- 6 Unless the context clearly requires otherwise, the definitions in
- 7 this section apply throughout this chapter.
- 8 (1) "Collect," or any derivative thereof, "collect and remit," or
- 9 "collect and deliver," when used with reference to the department of
- 10 corrections, means that the department is responsible for monitoring
- 11 and enforcing the offender's sentence with regard to the legal
- 12 financial obligation, receiving payment thereof from the offender, and,
- 13 consistent with current law, delivering daily the entire payment to the
- 14 superior court clerk without depositing it in a departmental account.
- 15 (2) "Commission" means the sentencing guidelines commission.
- 16 (3) "Community corrections officer" means an employee of the
- 17 department who is responsible for carrying out specific duties in
- 18 supervision of sentenced offenders and monitoring of sentence
- 19 conditions.

- 1 (4) "Community custody" means that portion of an inmate's sentence 2 of confinement in lieu of earned early release time or imposed pursuant 3 to RCW 9.94A.120 (6), (8), or (10) served in the community subject to 4 controls placed on the inmate's movement and activities by the 5 department of corrections.
- 6 (5) "Community placement" means that period during which the
 7 offender is subject to the conditions of community custody and/or
 8 postrelease supervision, which begins either upon completion of the
 9 term of confinement (postrelease supervision) or at such time as the
 10 offender is transferred to community custody in lieu of earned early
 11 release. Community placement may consist of entirely community
 12 custody, entirely postrelease supervision, or a combination of the two.
- 13 (6) "Community service" means compulsory service, without 14 compensation, performed for the benefit of the community by the 15 offender.
- 16 (7) "Community supervision" means a period of time during which a 17 convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 18 19 16.52.200(6) or 46.61.524. For first-time offenders, the supervision 20 may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact 21 for out-of-state supervision of parolees and probationers, RCW 22 23 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other 24 25 states.
- 26 (8) "Confinement" means total or partial confinement as defined in this section.
- (9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and 30 acceptance of a plea of guilty.
- 31 (10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington 32 33 for legal financial obligations which may include restitution to the 34 victim, statutorily imposed crime victims' compensation fees as 35 assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, 36 37 fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for 38 vehicular assault while under the influence of intoxicating liquor or 39

- 1 any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the
- 2 influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a),
- 3 legal financial obligations may also include payment to a public agency
- 4 of the expense of an emergency response to the incident resulting in
- 5 the conviction, subject to the provisions in RCW 38.52.430.
- 6 (11) "Crime-related prohibition" means an order of a court
 7 prohibiting conduct that directly relates to the circumstances of the
 8 crime for which the offender has been convicted, and shall not be
 9 construed to mean orders directing an offender affirmatively to
 10 participate in rehabilitative programs or to otherwise perform
 11 affirmative conduct. However, affirmative acts necessary to monitor
- 12 compliance with the order of a court may be required by the department.
- 13 (12) "Criminal history" means the list of a defendant's prior 14 convictions and juvenile adjudications, whether in this state, in 15 federal court, or elsewhere. The history shall include, where known,
- 16 for each conviction (a) whether the defendant has been placed on
- 17 probation and the length and terms thereof; and (b) whether the 18 defendant has been incarcerated and the length of incarceration.
- 19 (13) "Day fine" means a fine imposed by the sentencing judge that 20 equals the difference between the offender's net daily income and the 21 reasonable obligations that the offender has for the support of the 22 offender and any dependents.
- (14) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge.
 - (15) "Department" means the department of corrections.

- 29 (16) "Determinate sentence" means a sentence that states with 30 exactitude the number of actual years, months, or days of total 31 confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or 32 terms of a legal financial obligation. 33 The fact that an offender 34 through "earned early release" can reduce the actual period of 35 confinement shall not affect the classification of the sentence as a determinate sentence. 36
- 37 (17) "Disposable earnings" means that part of the earnings of an 38 individual remaining after the deduction from those earnings of any 39 amount required by law to be withheld. For the purposes of this

- 1 definition, "earnings" means compensation paid or payable for personal
- 2 services, whether denominated as wages, salary, commission, bonuses, or
- 3 otherwise, and, notwithstanding any other provision of law making the
- 4 payments exempt from garnishment, attachment, or other process to
- 5 satisfy a court-ordered legal financial obligation, specifically
- 6 includes periodic payments pursuant to pension or retirement programs,
- 7 or insurance policies of any type, but does not include payments made
- 8 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
- 9 or Title 74 RCW.
- 10 (18) "Drug offense" means:
- 11 (a) Any felony violation of chapter 69.50 RCW except possession of
- 12 a controlled substance (RCW 69.50.401(d)) or forged prescription for a
- 13 controlled substance (RCW 69.50.403);
- 14 (b) Any offense defined as a felony under federal law that relates
- 15 to the possession, manufacture, distribution, or transportation of a
- 16 controlled substance; or
- 17 (c) Any out-of-state conviction for an offense that under the laws
- 18 of this state would be a felony classified as a drug offense under (a)
- 19 of this subsection.
- 20 (19) "Escape" means:
- 21 (a) Escape in the first degree (RCW 9A.76.110), escape in the
- 22 second degree (RCW 9A.76.120), willful failure to return from furlough
- 23 (RCW 72.66.060), willful failure to return from work release (RCW
- 24 72.65.070), or willful failure to be available for supervision by the
- 25 department while in community custody (RCW 72.09.310); or
- 26 (b) Any federal or out-of-state conviction for an offense that
- 27 under the laws of this state would be a felony classified as an escape
- 28 under (a) of this subsection.
- 29 (20) "Felony traffic offense" means:
- 30 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
- 31 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
- 32 and-run injury-accident (RCW 46.52.020(4)); or
- 33 (b) Any federal or out-of-state conviction for an offense that
- 34 under the laws of this state would be a felony classified as a felony
- 35 traffic offense under (a) of this subsection.
- 36 (21) "Fines" means the requirement that the offender pay a specific
- 37 sum of money over a specific period of time to the court.
- 38 (22) "First-time offender" means any person who is convicted of a
- 39 felony (a) not classified as a violent offense or a sex offense under

- 1 this chapter, or (b) that is not the manufacture, delivery, or
- 2 possession with intent to manufacture or deliver a controlled substance
- 3 classified in schedule I or II that is a narcotic drug, nor the
- 4 manufacture, delivery, or possession with intent to deliver
- 5 methamphetamine, its salts, isomers, and salts of its isomers as
- 6 defined in RCW 69.50.206(d)(2), nor the selling for profit of any
- 7 controlled substance or counterfeit substance classified in schedule I,
- 8 RCW 69.50.204, except leaves and flowering tops of marihuana, who
- 9 previously has never been convicted of a felony in this state, federal
- 10 court, or another state, and who has never participated in a program of
- 11 deferred prosecution for a felony offense.
- 12 (23) "Most serious offense" means any of the following felonies or
- 13 a felony attempt to commit any of the following felonies, as now
- 14 existing or hereafter amended:
- 15 (a) Any felony defined under any law as a class A felony or
- 16 criminal solicitation of or criminal conspiracy to commit a class A
- 17 felony;
- 18 (b) Assault in the second degree;
- 19 (c) Assault of a child in the second degree;
- 20 (d) Child molestation in the second degree;
- 21 (e) Controlled substance homicide;
- 22 (f) Extortion in the first degree;
- 23 (g) Incest when committed against a child under age fourteen;
- 24 (h) Indecent liberties;
- 25 (i) Kidnapping in the second degree;
- 26 (j) Leading organized crime;
- 27 (k) Manslaughter in the first degree;
- 28 (1) Manslaughter in the second degree;
- 29 (m) Manufacture or possession of ephedrine or pseudoephedrine with
- 30 <u>intent to manufacture methamphetamine in or near a residence in which</u>
- 31 <u>a minor or a pregnant woman resides;</u>
- 32 (n) Promoting prostitution in the first degree;
- $((\frac{n}{n}))$ (o) Rape in the third degree;
- (((0))) (p) Robbery in the second degree;
- $((\frac{p}{p}))$ (q) Sexual exploitation;
- $((\frac{q}{q}))$ (r) Vehicular assault;
- $((\frac{r}{r}))$ (s) Vehicular homicide, when proximately caused by the
- 38 driving of any vehicle by any person while under the influence of

- 1 intoxicating liquor or any drug as defined by RCW 46.61.502, or by the 2 operation of any vehicle in a reckless manner;
- 3 (((s))) (t) Any other class B felony offense with a finding of 4 sexual motivation, as "sexual motivation" is defined under this
- 5 section;
- 6 $((\frac{t}{t}))$ (u) Any other felony with a deadly weapon verdict under RCW
- 7 9.94A.125;
- 8 $((\frac{u}{v}))$ Any felony offense in effect at any time prior to
- 9 December 2, 1993, that is comparable to a most serious offense under
- 10 this subsection, or any federal or out-of-state conviction for an
- 11 offense that under the laws of this state would be a felony classified
- 12 as a most serious offense under this subsection;
- 13 (((v))) (w) (i) A prior conviction for indecent liberties under RCW
- 14 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess.
- 15 as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as
- 16 it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)
- 17 (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;
- 18 (ii) A prior conviction for indecent liberties under RCW
- 19 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
- 20 if: (A) The crime was committed against a child under the age of
- 21 fourteen; or (B) the relationship between the victim and perpetrator is
- 22 included in the definition of indecent liberties under RCW
- 23 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997,
- 24 or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993,
- 25 through July 27, 1997.
- 26 (24) "Nonviolent offense" means an offense which is not a violent
- 27 offense.
- 28 (25) "Offender" means a person who has committed a felony
- 29 established by state law and is eighteen years of age or older or is
- 30 less than eighteen years of age but whose case is under superior court
- 31 jurisdiction under RCW 13.04.030 or has been transferred by the
- 32 appropriate juvenile court to a criminal court pursuant to RCW
- 33 13.40.110. Throughout this chapter, the terms "offender" and
- 34 "defendant" are used interchangeably.
- 35 (26) "Partial confinement" means confinement for no more than one
- 36 year in a facility or institution operated or utilized under contract
- 37 by the state or any other unit of government, or, if home detention or
- 38 work crew has been ordered by the court, in an approved residence, for
- 39 a substantial portion of each day with the balance of the day spent in

- the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.
 - (27) "Persistent offender" is an offender who:

- 5 (a)(i) Has been convicted in this state of any felony considered a 6 most serious offense; and
 - (ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or
 - (b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection (27)(b)(i); and
 - (ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under subsection (27)(b)(i) only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under subsection (27)(b)(i) only when the offender was eighteen years of age or older when the offender committed the offense.
- 35 (28) "Postrelease supervision" is that portion of an offender's 36 community placement that is not community custody.
- 37 (29) "Restitution" means the requirement that the offender pay a 38 specific sum of money over a specific period of time to the court as

- 1 payment of damages. The sum may include both public and private costs.
- 2 The imposition of a restitution order does not preclude civil redress.
- 3 (30) "Serious traffic offense" means:
- 4 (a) Driving while under the influence of intoxicating liquor or any 5 drug (RCW 46.61.502), actual physical control while under the influence 6 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving
- 7 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));
- 8 or
- 9 (b) Any federal, out-of-state, county, or municipal conviction for
- 10 an offense that under the laws of this state would be classified as a
- 11 serious traffic offense under (a) of this subsection.
- 12 (31) "Serious violent offense" is a subcategory of violent offense
- 13 and means:
- 14 (a) Murder in the first degree, homicide by abuse, murder in the
- 15 second degree, manslaughter in the first degree, assault in the first
- 16 degree, kidnapping in the first degree, or rape in the first degree,
- 17 assault of a child in the first degree, or an attempt, criminal
- 18 solicitation, or criminal conspiracy to commit one of these felonies;
- 19 or
- 20 (b) Any federal or out-of-state conviction for an offense that
- 21 under the laws of this state would be a felony classified as a serious
- 22 violent offense under (a) of this subsection.
- 23 (32) "Sentence range" means the sentencing court's discretionary
- 24 range in imposing a nonappealable sentence.
- 25 (33) "Sex offense" means:
- 26 (a) A felony that is a violation of chapter 9A.44 RCW or RCW
- 27 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a
- 28 criminal attempt, criminal solicitation, or criminal conspiracy to
- 29 commit such crimes;
- 30 (b) A felony with a finding of sexual motivation under RCW
- 31 9.94A.127 or 13.40.135; or
- 32 (c) Any federal or out-of-state conviction for an offense that
- 33 under the laws of this state would be a felony classified as a sex
- 34 offense under (a) of this subsection.
- 35 (34) "Sexual motivation" means that one of the purposes for which
- 36 the defendant committed the crime was for the purpose of his or her
- 37 sexual gratification.
- 38 (35) "Total confinement" means confinement inside the physical
- 39 boundaries of a facility or institution operated or utilized under

- 1 contract by the state or any other unit of government for twenty-four 2 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.
- 3 (36) "Transition training" means written and verbal instructions 4 and assistance provided by the department to the offender during the 5 two weeks prior to the offender's successful completion of the work 6 ethic camp program. The transition training shall include instructions 7 in the offender's requirements and obligations during the offender's 8 period of community custody.
- 9 (37) "Victim" means any person who has sustained emotional, 10 psychological, physical, or financial injury to person or property as 11 a direct result of the crime charged.
 - (38) "Violent offense" means:

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- 13 (a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an 14 15 attempt to commit a class A felony, criminal solicitation of or 16 criminal conspiracy to commit a class A felony, manslaughter in the 17 first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, 18 19 arson in the second degree, assault in the second degree, assault of a 20 child in the second degree, extortion in the first degree, robbery in the second degree, drive-by shooting, vehicular assault, and vehicular 21 22 homicide, when proximately caused by the driving of any vehicle by any 23 person while under the influence of intoxicating liquor or any drug as 24 defined by RCW 46.61.502, or by the operation of any vehicle in a 25 reckless manner;
- 26 (b) Any conviction for a felony offense in effect at any time prior 27 to July 1, 1976, that is comparable to a felony classified as a violent 28 offense in (a) of this subsection; and
- 29 (c) Any federal or out-of-state conviction for an offense that 30 under the laws of this state would be a felony classified as a violent 31 offense under (a) or (b) of this subsection.
 - (39) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385.

- 1 Only those offenders sentenced to a facility operated or utilized under
- 2 contract by a county or the state are eligible to participate on a work
- 3 crew. Offenders sentenced for a sex offense as defined in subsection
- 4 (33) of this section are not eligible for the work crew program.
- 5 (40) "Work ethic camp" means an alternative incarceration program
- 6 designed to reduce recidivism and lower the cost of corrections by
- 7 requiring offenders to complete a comprehensive array of real-world job
- 8 and vocational experiences, character-building work ethics training,
- 9 life management skills development, substance abuse rehabilitation,
- 10 counseling, literacy training, and basic adult education.
- 11 (41) "Work release" means a program of partial confinement
- 12 available to offenders who are employed or engaged as a student in a
- 13 regular course of study at school. Participation in work release shall
- 14 be conditioned upon the offender attending work or school at regularly
- 15 defined hours and abiding by the rules of the work release facility.
- 16 (42) "Home detention" means a program of partial confinement
- 17 available to offenders wherein the offender is confined in a private
- 18 residence subject to electronic surveillance.
- 19 **Sec. 2.** RCW 70.105D.070 and 1997 c 406 s 5 are each amended to
- 20 read as follows:
- 21 (1) The state toxics control account and the local toxics control
- 22 account are hereby created in the state treasury.
- 23 (2) The following moneys shall be deposited into the state toxics
- 24 control account: (a) Those revenues which are raised by the tax
- 25 imposed under RCW 82.21.030 and which are attributable to that portion
- 26 of the rate equal to thirty-three one-hundredths of one percent; (b)
- 27 the costs of remedial actions recovered under this chapter or chapter
- 28 70.105A RCW; (c) penalties collected or recovered under this chapter;
- 29 and (d) any other money appropriated or transferred to the account by
- 30 the legislature. Moneys in the account may be used only to carry out
- 31 the purposes of this chapter, including but not limited to the
- 32 following activities:
- 33 (i) The state's responsibility for hazardous waste planning,
- 34 management, regulation, enforcement, technical assistance, and public
- 35 education required under chapter 70.105 RCW;
- 36 (ii) The state's responsibility for solid waste planning,
- 37 management, regulation, enforcement, technical assistance, and public
- 38 education required under chapter 70.95 RCW;

- 1 (iii) The hazardous waste cleanup program required under this 2 chapter;
 - (iv) State matching funds required under the federal cleanup law;
- 4 (v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; 5
- 6 (vi) State government programs for the safe reduction, recycling, 7 or disposal of hazardous wastes from households, small businesses, and 8 agriculture;
- 9 (vii) Hazardous materials emergency response training;
- 10 (viii) Water and environmental health protection and monitoring 11 programs;
- (ix) Programs authorized under chapter 70.146 RCW; 12

unfair economic hardship; and

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- 13 (x) A public participation program, including regional citizen advisory committees; 14
- 15 (xi) Public funding to assist potentially liable persons to pay for 16 the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such 17 funding are established under a settlement agreement under RCW 18 19 70.105D.040(4) and when the director has found that the funding will 20 achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of 21
- 23 (xii) Development and demonstration of alternative management 24 technologies designed to carry out the top two hazardous waste 25 management priorities of RCW 70.105.150.
- 26 (3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed 27 under RCW 82.21.030 and which are attributable to that portion of the 28 rate equal to thirty-seven one-hundredths of one percent. 29
- 30 (a) Moneys deposited in the local toxics control account shall be 31 used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial 32 33 actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; ((and)) (iii) solid waste plans and programs under chapters 70.95, 34 35 70.95C, 70.95I, and 70.105 RCW; and (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, 36 but not to be used for the initial containment of such sites, 37
- consistent with the responsibilities and intent of RCW 69.50.511. 38
- 39 Funds for plans and programs shall be allocated consistent with the

- 1 priorities and matching requirements established in chapters 70.105, 2 70.95C, 70.95I, and 70.95 RCW.
- 3 (b) Funds may also be appropriated to the department of health to 4 implement programs to reduce testing requirements under the federal 5 safe drinking water act for public water systems. The department of 6 health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.
- 8 (4) Except for unanticipated receipts under RCW 43.79.260 through 9 43.79.282, moneys in the state and local toxics control accounts may be 10 spent only after appropriation by statute.
- (5) One percent of the moneys deposited into the state and local 11 control accounts shall be allocated only for 12 toxics 13 participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-14 15 profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations 16 in the investigation and remedying of releases or threatened releases 17 of hazardous substances and to implement the state's solid and 18 19 hazardous waste management priorities. No grant may exceed sixty 20 thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at 21 22 the close of any biennium shall revert to the state toxics control 23 account.
- 24 (6) No moneys deposited into either the state or local toxics 25 control account may be used for solid waste incinerator feasibility 26 studies, construction, maintenance, or operation.
- 27 (7) The department shall adopt rules for grant or loan issuance and 28 performance.
- NEW SECTION. Sec. 3. If this act mandates an increased level of service by local governments, the local government may, under RCW 43.135.060 and chapter 4.92 RCW, submit claims for reimbursement by the legislature. The claims shall be subject to verification by the office of financial management.

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