

---

HOUSE BILL 2191

---

State of Washington

58th Legislature

2003 Regular Session

By Representatives Gombosky, Holmquist, McIntire, Alexander, Cooper and Armstrong

Read first time 03/04/2003. Referred to Committee on Finance.

1 AN ACT Relating to establishing the tax rate on other tobacco  
2 products at a level that will provide for collection of the most  
3 overall tax revenue; amending RCW 82.26.010, 82.26.020, 82.26.025,  
4 43.72.900, and 82.26.130; adding new sections to chapter 82.26 RCW;  
5 repealing RCW 82.26.028; and prescribing penalties.

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

7 **Sec. 1.** RCW 82.26.010 and 2002 c 325 s 1 are each amended to read  
8 as follows:

9 As used in this chapter:

10 (1) "Tobacco products" means cigars, cheroots, stogies, periques,  
11 granulated, plug cut, crimp cut, ready rubbed, and other smoking  
12 tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-  
13 cut and other chewing tobaccos, shorts, refuse scraps, clippings,  
14 cuttings and sweepings of tobacco, and other kinds and forms of  
15 tobacco, prepared in such manner as to be suitable for chewing or  
16 smoking in a pipe or otherwise, or both for chewing and smoking, but  
17 shall not include cigarettes as defined in RCW 82.24.010;

18 (2) "Large cigar" means a roll for smoking that is of any size or  
19 shape and that is made wholly or in part of tobacco, irrespective of

1 whether the tobacco is pure or flavored, adulterated or mixed with any  
2 other ingredient, if the roll has a wrapper made wholly or in greater  
3 part of tobacco and if one thousand of these rolls collectively weigh  
4 more than three pounds. "Large cigar" does not include a cigarette, as  
5 defined under RCW 82.24.010;

6 (3) "Manufacturer" means a person who manufactures and sells  
7 tobacco products;

8 ~~((+3))~~ (4) "Distributor" means (a) any person engaged in the  
9 business of selling tobacco products in this state who brings, or  
10 causes to be brought, into this state from without the state any  
11 tobacco products for sale, (b) any person who makes, manufactures, or  
12 fabricates tobacco products in this state for sale in this state, (c)  
13 any person engaged in the business of selling tobacco products without  
14 this state who ships or transports tobacco products to retailers in  
15 this state, to be sold by those retailers, (d) any person engaged in  
16 the business of selling tobacco products in this state who handles for  
17 sale any tobacco products that are within this state but upon which tax  
18 has not been imposed;

19 ~~((+4))~~ (5) "Subjobber" means any person, other than a manufacturer  
20 or distributor, who buys tobacco products from a distributor and sells  
21 them to persons other than the ultimate consumers;

22 ~~((+5))~~ (6) "Retailer" means any person engaged in the business of  
23 selling tobacco products to ultimate consumers;

24 ~~((+6))~~ (7) "Sale" means any transfer, exchange, or barter, in any  
25 manner or by any means whatsoever, for a consideration, and includes  
26 and means all sales made by any person. It includes a gift by a person  
27 engaged in the business of selling tobacco products, for advertising,  
28 as a means of evading the provisions of this chapter, or for any other  
29 purposes whatsoever;

30 ~~((+7))~~ (8) "Wholesale sales price" means the established price for  
31 which a manufacturer sells a tobacco product to a distributor,  
32 exclusive of any discount or other reduction;

33 ~~((+8))~~ (9) "Business" means any trade, occupation, activity, or  
34 enterprise engaged in for the purpose of selling or distributing  
35 tobacco products in this state;

36 ~~((+9))~~ (10) "Place of business" means any place where tobacco  
37 products are sold or where tobacco products are manufactured, stored,

1 or kept for the purpose of sale or consumption, including any vessel,  
2 vehicle, airplane, train, or vending machine;

3 ~~((+10+))~~ (11) "Retail outlet" means each place of business from  
4 which tobacco products are sold to consumers;

5 ~~((+11+))~~ (12) "Department" means the state department of revenue;

6 ~~((+12+))~~ (13) "Person" means any individual, receiver,  
7 administrator, executor, assignee, trustee in bankruptcy, trust,  
8 estate, firm, copartnership, joint venture, club, company, joint stock  
9 company, business trust, municipal corporation, the state and its  
10 departments and institutions, political subdivision of the state of  
11 Washington, corporation, limited liability company, association,  
12 society, or any group of individuals acting as a unit, whether mutual,  
13 cooperative, fraternal, nonprofit, or otherwise. The term excludes any  
14 person immune from state taxation, including the United States or its  
15 instrumentalities, and federally recognized Indian tribes and enrolled  
16 tribal members, conducting business within Indian country;

17 ~~((+13+))~~ (14) "Indian country" means the same as defined in chapter  
18 82.24 RCW.

19 **Sec. 2.** RCW 82.26.020 and 2002 c 325 s 2 are each amended to read  
20 as follows:

21 (1) There is levied and there shall be collected a tax upon the  
22 sale, use, consumption, handling, or distribution of all tobacco  
23 products in this state at the rate of ~~((forty five percent of the  
24 wholesale sales price of such tobacco products))~~:

25 (a) Thirty percent of the wholesale sales price of large cigars,  
26 but not to exceed twenty cents per cigar; or

27 (b) Thirty percent of the wholesale sales price of all tobacco  
28 products that are not large cigars.

29 (2) Taxes under this section shall be imposed at the time the  
30 distributor (a) brings, or causes to be brought, into this state from  
31 without the state tobacco products for sale, (b) makes, manufactures,  
32 or fabricates tobacco products in this state for sale in this state,  
33 (c) ships or transports tobacco products to retailers in this state, to  
34 be sold by those retailers, or (d) handles for sale any tobacco  
35 products that are within this state but upon which tax has not been  
36 imposed.

1       (3) ~~((An additional tax is imposed equal to seven percent~~  
2 ~~multiplied by the tax payable under subsection (1) of this section.~~

3       ~~(4))~~ An additional tax is imposed equal to ~~((ten percent of the~~  
4 ~~wholesale sales price of tobacco products))~~:

5       (a) Thirty-five percent of the wholesale sales price of large  
6 cigars, but not to exceed twenty-five cents per cigar; or

7       (b) Thirty-five percent of the wholesale sales price of all tobacco  
8 products that are not large cigars.

9       The moneys collected under this subsection shall be deposited in  
10 the health services account created under RCW 43.72.900.

11       **Sec. 3.** RCW 82.26.025 and 2002 c 325 s 3 are each amended to read  
12 as follows:

13       (1)(a) In addition to the taxes imposed under RCW 82.26.020, there  
14 is levied and there shall be collected a tax upon the sale, use,  
15 consumption, handling, or distribution of all tobacco products in this  
16 state at the rate of ~~((sixteen and three fourths percent of the~~  
17 ~~wholesale sales price of such tobacco products))~~:

18       (i) Ten percent of the wholesale sales price of large cigars, but  
19 not to exceed five cents per cigar; or

20       (ii) Ten percent of the wholesale sales price of all tobacco  
21 products that are not large cigars.

22       (b) Such tax shall be imposed at the time the distributor ~~((a))~~  
23 (i) brings, or causes to be brought, into this state from without the  
24 state tobacco products for sale, ~~((b))~~ (ii) makes, manufactures, or  
25 fabricates tobacco products in this state for sale in this state,  
26 ~~((c))~~ (iii) ships or transports tobacco products to retailers in this  
27 state, to be sold by those retailers, or ~~((d))~~ (iv) handles for sale  
28 any tobacco products that are within this state but upon which tax has  
29 not been imposed.

30       (2) The moneys collected under this section shall be deposited as  
31 follows:

32       (a) For the period ending July 1, 1999, in the water quality  
33 account under RCW 70.146.030;

34       (b) For the period beginning July 1, 1999, through June 30, 2001,  
35 fifty percent into the violence reduction and drug enforcement account  
36 under RCW 69.50.520 and fifty percent into the salmon recovery account;

1 (c) For the period beginning July 1, 2001, through June 30, 2021,  
2 into the water quality account under RCW 70.146.030; and

3 (d) For the period beginning July 1, 2021, in the general fund.

4 **Sec. 4.** RCW 43.72.900 and 2002 c 371 s 909 are each amended to  
5 read as follows:

6 (1) The health services account is created in the state treasury.  
7 Moneys in the account may be spent only after appropriation. Subject  
8 to the transfers described in subsection (3) of this section, moneys in  
9 the account may be expended only for maintaining and expanding health  
10 services access for low-income residents, maintaining and expanding the  
11 public health system, maintaining and improving the capacity of the  
12 health care system, containing health care costs, and the regulation,  
13 planning, and administering of the health care system.

14 (2) Funds deposited into the health services account under RCW  
15 82.24.028 (~~and 82.26.028~~) shall be used solely as follows:

16 (a) Five million dollars for the state fiscal year beginning July  
17 1, 2002, and five million dollars for the state fiscal year beginning  
18 July 1, 2003, shall be appropriated by the legislature for programs  
19 that effectively improve the health of low-income persons, including  
20 efforts to reduce diseases and illnesses that harm low-income persons.  
21 The department of health shall submit a report to the legislature on  
22 March 1, 2002, evaluating the cost-effectiveness of programs that  
23 improve the health of low-income persons and address diseases and  
24 illnesses that disproportionately affect low-income persons, and making  
25 recommendations to the legislature on which of these programs could  
26 most effectively utilize the funds appropriated under this subsection.

27 (b) Ten percent of the funds deposited into the health services  
28 account under RCW 82.24.028 (~~and 82.26.028~~) remaining after the  
29 appropriation under (a) of this subsection shall be transferred no less  
30 frequently than annually by the treasurer to the tobacco prevention and  
31 control account established by RCW 43.79.480. The funds transferred  
32 shall be used exclusively for implementation of the Washington state  
33 tobacco prevention and control plan and shall be used only to  
34 supplement, and not supplant, funds in the tobacco prevention and  
35 control account as of January 1, 2001, however, these funds may be used  
36 to replace funds appropriated by the legislature for further  
37 implementation of the Washington state tobacco prevention and control

1 plan for the biennium beginning July 1, 2001. For each state fiscal  
2 year beginning on and after July 1, 2002, the legislature shall  
3 appropriate no less than twenty-six million two hundred forty thousand  
4 dollars from the tobacco prevention and control account for  
5 implementation of the Washington state tobacco prevention and control  
6 plan.

7 (c) Because of its demonstrated effectiveness in improving the  
8 health of low-income persons and addressing illnesses and diseases that  
9 harm low-income persons, the remainder of the funds deposited into the  
10 health services account under RCW 82.24.028 (~~and 82.26.028~~) shall be  
11 appropriated solely for Washington basic health plan enrollment as  
12 provided in chapter 70.47 RCW. Funds appropriated pursuant to this  
13 subsection (2)(c) must supplement, and not supplant, the level of state  
14 funding needed to support enrollment of a minimum of one hundred  
15 twenty-five thousand persons for the fiscal year beginning July 1,  
16 2002, and every fiscal year thereafter. The health care authority may  
17 enroll up to twenty thousand additional persons in the basic health  
18 plan during the biennium beginning July 1, 2001, above the base level  
19 of one hundred twenty-five thousand enrollees. The health care  
20 authority may enroll up to fifty thousand additional persons in the  
21 basic health plan during the biennium beginning July 1, 2003, above the  
22 base level of one hundred twenty-five thousand enrollees. For each  
23 biennium beginning on and after July 1, 2005, the health care authority  
24 may enroll up to at least one hundred seventy-five thousand enrollees.  
25 Funds appropriated under this subsection may be used to support  
26 outreach and enrollment activities only to the extent necessary to  
27 achieve the enrollment goals described in this section.

28 (3) Prior to expenditure for the purposes described in subsection  
29 (2) of this section, funds deposited into the health services account  
30 under RCW 82.24.028 (~~and 82.26.028~~) shall first be transferred to the  
31 following accounts to ensure the continued availability of previously  
32 dedicated revenues for certain existing programs:

33 (a) To the violence reduction and drug enforcement account under  
34 RCW 69.50.520, two million two hundred forty-nine thousand five hundred  
35 dollars for the state fiscal year beginning July 1, 2001, four million  
36 two hundred forty-eight thousand dollars for the state fiscal year  
37 beginning July 1, 2002, seven million seven hundred eighty-nine  
38 thousand dollars for the biennium beginning July 1, 2003, six million

1 nine hundred thirty-two thousand dollars for the biennium beginning  
2 July 1, 2005, and six million nine hundred thirty-two thousand dollars  
3 for each biennium thereafter, as required by RCW 82.24.020(2);

4 (b) To the health services account under this section, nine million  
5 seventy-seven thousand dollars for the state fiscal year beginning July  
6 1, 2001, seventeen million one hundred eighty-eight thousand dollars  
7 for the state fiscal year beginning July 1, 2002, thirty-one million  
8 seven hundred fifty-five thousand dollars for the biennium beginning  
9 July 1, 2003, twenty-eight million six hundred twenty-two thousand  
10 dollars for the biennium beginning July 1, 2005, and twenty-eight  
11 million six hundred twenty-two thousand dollars for each biennium  
12 thereafter, as required by RCW 82.24.020(3); and

13 (c) To the water quality account under RCW 70.146.030, two million  
14 two hundred three thousand five hundred dollars for the state fiscal  
15 year beginning July 1, 2001, four million two hundred forty-four  
16 thousand dollars for the state fiscal year beginning July 1, 2002,  
17 eight million one hundred eighty-two thousand dollars for the biennium  
18 beginning July 1, 2003, seven million eight hundred eighty-five  
19 thousand dollars for the biennium beginning July 1, 2005, and seven  
20 million eight hundred eighty-five thousand dollars for each biennium  
21 thereafter, as required by RCW 82.24.027(2)(a).

22 During the 2001-2003 fiscal biennium, the legislature may transfer  
23 from the health services account such amounts as reflect the excess  
24 fund balance of the account.

25 **Sec. 5.** RCW 82.26.130 and 2002 c 325 s 5 are each amended to read  
26 as follows:

27 (1) The department shall by rule establish the invoice detail  
28 required under RCW 82.26.060 for a distributor under RCW  
29 82.26.010(~~(+3)(d)~~) (4)(d) and for those invoices required to be  
30 provided to retailers under RCW 82.26.070.

31 (2) If a retailer fails to keep invoices as required under chapter  
32 82.32 RCW, the retailer is liable for the tax owed on any uninvoiced  
33 tobacco products but not penalties and interest, except as provided in  
34 subsection (3) of this section.

35 (3) If the department finds that the nonpayment of tax by the  
36 retailer was willful or if in the case of a second or plural nonpayment

1 of tax by the retailer, penalties and interest shall be assessed in  
2 accordance with chapter 82.32 RCW.

3 NEW SECTION. **Sec. 6.** (1) The following are subject to seizure and  
4 forfeiture:

5 (a) Any articles taxed in this chapter that are found at any point  
6 within this state, which articles are held, owned, or possessed by any  
7 person, and which are untaxed products; and any container or package of  
8 other tobacco products possessed or held for sale that does not comply  
9 with this chapter.

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

14 (i) A conveyance used by any person as a common or contract carrier  
15 having in actual possession invoices or delivery tickets showing the  
16 true name and address of the consignor or seller, the true name of the  
17 consignee or purchaser, and the quantity and brands of the other  
18 tobacco products transported, unless it appears that the owner or other  
19 person in charge of the conveyance is a consenting party or privy to a  
20 violation of this chapter;

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

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

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

29 (2) Property subject to forfeiture under this chapter may be seized  
30 by any agent of the department authorized to collect taxes, any  
31 enforcement officer of the board, or law enforcement officer of this  
32 state upon process issued by any superior court or district court  
33 having jurisdiction over the property. Seizure without process may be  
34 made if:

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



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

5 NEW SECTION. **Sec. 7.** In all cases of seizure of any property made  
6 subject to forfeiture under this chapter, the department or the board  
7 shall proceed as follows:

8 (1) Forfeiture shall be deemed to have commenced by the seizure.  
9 Notice of seizure shall be given to the department or the board  
10 immediately if the seizure is made by someone other than an agent of  
11 the department or the board authorized to collect taxes.

12 (2) Upon notification or seizure by the department or the board or  
13 upon receipt of property subject to forfeiture under this chapter from  
14 any other person, the department or the board shall list and  
15 particularly describe the property seized in duplicate and have the  
16 property appraised by a qualified person not employed by the department  
17 or the board or acting as its agent. Listing and appraisal of the  
18 property shall be properly attested by the department or the board and  
19 the appraiser, who shall be allowed a reasonable appraisal fee. No  
20 appraisal is required if the property seized is judged by the  
21 department or the board to be less than one hundred dollars in value.

22 (3) The department or the board shall cause notice to be served  
23 within five days following the seizure or notification to the  
24 department or the board of the seizure on the owner of the property  
25 seized, if known, on the person in charge thereof, and on any other  
26 person having any known right or interest therein, of the seizure and  
27 intended forfeiture of the seized property. The notice may be served  
28 by any method authorized by law or court rule including but not limited  
29 to service by mail. If service is by mail it shall be by both  
30 certified mail with return receipt requested and regular mail. Service  
31 by mail shall be deemed complete upon mailing within the five-day  
32 period following the seizure or notification of the seizure to the  
33 department or the board.

34 (4) If no person notifies the department or the board in writing of  
35 the person's claim of ownership or right to possession of the items  
36 seized within fifteen days of the date of the notice of seizure, the  
37 item seized shall be considered forfeited.

1 (5) If any person notifies the department or the board, in writing,  
2 of the person's claim of ownership or right to possession of the items  
3 seized within fifteen days of the date of the notice of seizure, the  
4 person or persons shall be afforded a reasonable opportunity to be  
5 heard as to the claim or right. The hearing shall be before the  
6 director or the director's designee or the board or the board's  
7 designee, except that any person asserting a claim or right may bring  
8 an action for return of the seized items in the superior court of the  
9 county in which such property was seized, if the aggregate value of the  
10 article or articles involved is more than five hundred dollars. A  
11 hearing and any appeal therefrom shall be in accordance with chapter  
12 34.05 RCW. The burden of proof by a preponderance of the evidence  
13 shall be upon the person claiming to be the lawful owner or the person  
14 claiming to have the lawful right to possession of the items seized.  
15 The department or the board shall promptly return the article or  
16 articles to the claimant upon a determination that the claimant is the  
17 present lawful owner or is lawfully entitled to possession thereof of  
18 the items seized.

19 NEW SECTION. **Sec. 8.** When property is forfeited under this  
20 chapter, the department may:

21 (1) Retain the property or any part thereof for official use or  
22 upon application by any law enforcement agency of this state, another  
23 state, or the District of Columbia, or of the United States for the  
24 exclusive use of enforcing the provisions of this chapter or the laws  
25 of any other state or the District of Columbia or of the United States.

26 (2) Sell the property at public auction to the highest bidder after  
27 due advertisement. The proceeds of the sale and all moneys forfeited  
28 under this chapter shall be first applied to the payment of all proper  
29 expenses of any investigation leading to the seizure and of the  
30 proceedings for forfeiture and sale, including expenses of seizure,  
31 maintenance of custody, advertising, and court costs. The balance of  
32 the proceeds and all moneys shall be deposited in the general fund of  
33 the state. Proper expenses of investigation includes costs incurred by  
34 any law enforcement agency or any federal, state, or local agency.

35 NEW SECTION. **Sec. 9.** (1) The department may return any property

1 seized under the provisions of this chapter when it is shown that there  
2 was no intention to violate the provisions thereof.

3 (2) When any property is returned under this section, the  
4 department may return such goods to the parties from whom they were  
5 seized if and when such parties pay to the department as penalty an  
6 amount equal to the greater of ten dollars per other tobacco product or  
7 two hundred fifty dollars, and interest on the amount of the tax at the  
8 rate as computed under RCW 82.32.050(2) from the date the tax became  
9 due until the date of payment, and in such cases, no advertisement  
10 shall be made or notices posted in connection with said seizure.

11 NEW SECTION. **Sec. 10.** When the department or the board has good  
12 reason to believe that any of the articles taxed herein are being kept,  
13 sold, offered for sale, or given away in violation of the provisions of  
14 this chapter or regulations issued under authority hereof, it may make  
15 affidavit of such fact, describing the place or thing to be searched,  
16 before any judge of any court in this state, and such judge shall issue  
17 a search warrant directed to the sheriff, any deputy, police officer,  
18 or duly authorized agent of the department commanding him or her  
19 diligently to search any building, room in a building, place or vehicle  
20 as may be designated in the affidavit and search warrant, and to seize  
21 such product so possessed and to hold the same until disposed of by  
22 law, and to arrest the person in possession or control thereof. If  
23 upon the return of such warrant, it shall appear that any of the  
24 articles taxed herein, unlawfully possessed, were seized, the same  
25 shall be sold as provided in this chapter.

26 NEW SECTION. **Sec. 11.** No retailer may engage in or conduct the  
27 business of purchasing, selling, consigning, or distributing other  
28 tobacco products in this state without a license under chapter 82.24  
29 RCW or this chapter. A violation of this section is a misdemeanor.

30 NEW SECTION. **Sec. 12.** (1) A retailer's license for other tobacco  
31 products is issuable under this chapter.

32 (2) Application for the license shall be made through the master  
33 license system under chapter 19.02 RCW. The department shall adopt  
34 rules regarding the regulation of the license. The department may  
35 refrain from the issuance of any license under this chapter if the

1 department has reasonable cause to believe that the applicant has  
2 willfully withheld information requested for the purpose of determining  
3 the eligibility of the applicant to receive a license, or if the  
4 department has reasonable cause to believe that information submitted  
5 in the application is false or misleading or is not made in good faith.

6 (3) Each license expires on the master license expiration date, and  
7 each such license is continued annually if the licensee has paid the  
8 required fee and complied with all the provisions of this chapter and  
9 the rules of the department made pursuant to this chapter.

10 NEW SECTION. **Sec. 13.** Any person licensed only as a retail dealer  
11 of other tobacco products shall not operate in any other capacity  
12 unless the additional appropriate license or licenses are first  
13 secured. A violation of this section is a misdemeanor.

14 NEW SECTION. **Sec. 14.** (1) The board shall enforce the provisions  
15 of this chapter. The board may adopt, amend, and repeal rules  
16 necessary to enforce the provisions of this chapter.

17 (2) The department may adopt, amend, and repeal rules necessary to  
18 administer the provisions of this chapter. The department has full  
19 power and authority to revoke or suspend the license or permit of any  
20 retail dealer of other tobacco products in the state upon sufficient  
21 cause appearing of the violation of this chapter or upon the failure of  
22 such licensee to comply with any of the provisions of this chapter.

23 (3) A license shall not be suspended or revoked except upon notice  
24 to the licensee and after a hearing as prescribed by the department.  
25 The department, upon a finding by same, that the licensee has failed to  
26 comply with any provision of this chapter or any rule promulgated  
27 thereunder, shall, in the case of the first offender, suspend the  
28 license or licenses of the licensee for a period of not less than  
29 thirty consecutive business days, and, in the case of a second or  
30 plural offender, shall suspend the license or licenses for a period of  
31 not less than ninety consecutive business days nor more than twelve  
32 months, and, in the event the department finds the offender has been  
33 guilty of willful and persistent violations, it may revoke the license  
34 or licenses.

35 (4) Any person whose license or licenses have been so revoked may  
36 apply to the department at the expiration of one year for a

1 reinstatement of the license or licenses. The license or licenses may  
2 be reinstated by the department if it appears to the satisfaction of  
3 the department that the licensee will comply with the provisions of  
4 this chapter and the rules promulgated thereunder.

5 (5) A person whose license has been suspended or revoked shall not  
6 sell other tobacco products or permit other tobacco products to be sold  
7 during the period of such suspension or revocation on the premises  
8 occupied by the person or upon other premises controlled by the person  
9 or others or in any other manner or form whatever.

10 (6) Any determination and order by the department, and any order of  
11 suspension or revocation by the department of the license or licenses,  
12 or refusal to reinstate a license or licenses after revocation shall be  
13 reviewable by an appeal to the superior court of Thurston county. The  
14 superior court shall review the order or ruling of the department and  
15 may hear the matter de novo, having due regard to the provisions of  
16 this chapter and the duties imposed upon the department and the board.

17 NEW SECTION. **Sec. 15.** RCW 82.26.028 (Surtax imposed--Rate--Health  
18 services account) and 2002 c 2 s 4 (Initiative Measure No. 773) are  
19 each repealed.

20 NEW SECTION. **Sec. 16.** Sections 6 through 14 of this act are each  
21 added to chapter 82.26 RCW.

--- END ---