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HOUSE BILL 2004

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State of Washington

56th Legislature

1999 Regular Session

By Representatives O'Brien and Lovick

Read first time 02/12/1999. Referred to Committee on Children & Family Services.

1 AN ACT Relating to fetal alcohol syndrome; amending RCW 71A.10.020,  
2 66.08.196, and 69.50.520; reenacting and amending RCW 66.24.290 and  
3 66.08.180; adding a new section to chapter 71A.12 RCW; creating a new  
4 section; providing an effective date; and declaring an emergency.

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

6 **Sec. 1.** RCW 71A.10.020 and 1998 c 216 s 2 are each amended to read  
7 as follows:

8 As used in this title, the following terms have the meanings  
9 indicated unless the context clearly requires otherwise.

10 (1) "Community residential support services," or "community support  
11 services," and "in-home services" means one or more of the services  
12 listed in RCW 71A.12.040.

13 (2) "Department" means the department of social and health  
14 services.

15 (3) "Developmental disability" means a disability attributable to  
16 mental retardation, cerebral palsy, epilepsy, autism, fetal alcohol  
17 syndrome, or another neurological or other condition of an individual  
18 found by the secretary to be closely related to mental retardation or  
19 to require treatment similar to that required for individuals with

1 mental retardation, which disability originates before the individual  
2 attains age eighteen, which has continued or can be expected to  
3 continue indefinitely, and which constitutes a substantial handicap to  
4 the individual. By January 1, 1989, the department shall promulgate  
5 rules which define neurological or other conditions in a way that is  
6 not limited to intelligence quotient scores as the sole determinant of  
7 these conditions, and notify the legislature of this action.

8 (4) "Eligible person" means a person who has been found by the  
9 secretary under RCW 71A.16.040 to be eligible for services.

10 (5) "Habilitative services" means those services provided by  
11 program personnel to assist persons in acquiring and maintaining life  
12 skills and to raise their levels of physical, mental, social, and  
13 vocational functioning. Habilitative services include education,  
14 training for employment, and therapy.

15 (6) "Legal representative" means a parent of a person who is under  
16 eighteen years of age, a person's legal guardian, a person's limited  
17 guardian when the subject matter is within the scope of the limited  
18 guardianship, a person's attorney at law, a person's attorney in fact,  
19 or any other person who is authorized by law to act for another person.

20 (7) "Notice" or "notification" of an action of the secretary means  
21 notice in compliance with RCW 71A.10.060.

22 (8) "Residential habilitation center" means a state-operated  
23 facility for persons with developmental disabilities governed by  
24 chapter 71A.20 RCW.

25 (9) "Secretary" means the secretary of social and health services  
26 or the secretary's designee.

27 (10) "Service" or "services" means services provided by state or  
28 local government to carry out this title.

29 (11) "Vacancy" means an opening at a residential habilitation  
30 center, which when filled, would not require the center to exceed its  
31 biannually budgeted capacity.

32 NEW SECTION. **Sec. 2.** A new section is added to chapter 71A.12 RCW  
33 to read as follows:

34 The secretary shall, with the funds appropriated from the general  
35 fund and with the additional revenue provided under RCW 66.24.290,  
36 provide services for individuals diagnosed with fetal alcohol syndrome  
37 regardless of the intelligence quotient of the individual.

1       **Sec. 3.** RCW 66.24.290 and 1997 c 451 s 1 and 1997 c 321 s 16 are  
2 each reenacted and amended to read as follows:

3       (1) Any microbrewer or domestic brewery or beer distributor  
4 licensed under this title may sell and deliver beer to holders of  
5 authorized licenses direct, but to no other person, other than the  
6 board; and every such brewery or beer distributor shall report all  
7 sales to the board monthly, pursuant to the regulations, and shall pay  
8 to the board as an added tax for the privilege of manufacturing and  
9 selling the beer within the state a tax of ~~((one))~~ two dollars and  
10 ~~((thirty))~~ sixty cents per barrel of thirty-one gallons on sales to  
11 licensees within the state and on sales to licensees within the state  
12 of bottled and canned beer shall pay a tax computed in gallons at the  
13 rate of ~~((one))~~ two dollars and ~~((thirty))~~ sixty cents per barrel of  
14 thirty-one gallons. Any brewery or beer distributor whose applicable  
15 tax payment is not postmarked by the twentieth day following the month  
16 of sale will be assessed a penalty at the rate of two percent per month  
17 or fraction thereof. Beer shall be sold by breweries and distributors  
18 in sealed barrels or packages. ~~((The moneys collected under this  
19 subsection shall be distributed as follows:—(a) Three tenths of a  
20 percent shall be distributed to border areas under RCW 66.08.195; and  
21 (b) of the remaining moneys:—(i) Twenty percent shall be distributed  
22 to counties in the same manner as under RCW 66.08.200; and (ii) eighty  
23 percent shall be distributed to incorporated cities and towns in the  
24 same manner as under RCW 66.08.210.))~~

25       (2) An additional tax is imposed equal to seven percent multiplied  
26 by the tax payable under subsection (1) of this section. All revenues  
27 collected during any month from this additional tax shall be  
28 transferred to the violence reduction and drug enforcement account by  
29 the twenty-fifth day of the following month.

30       (3) An additional tax is imposed on all beer subject to tax under  
31 subsection (1) of this section. The additional tax is equal to two  
32 dollars per barrel of thirty-one gallons. All revenues collected  
33 during any month from this additional tax shall be deposited in the  
34 violence reduction and drug enforcement account under RCW 69.50.520 by  
35 the twenty-fifth day of the following month.

36       ~~((+3))~~ (4)(a) An additional tax is imposed on all beer subject to  
37 tax under subsection (1) of this section. The additional tax is equal  
38 to ninety-six cents per barrel of thirty-one gallons through June 30,  
39 1995, two dollars and thirty-nine cents per barrel of thirty-one

1 gallons for the period July 1, 1995, through June 30, 1997, and four  
2 dollars and seventy-eight cents per barrel of thirty-one gallons  
3 thereafter.

4 (b) The additional tax imposed under this subsection does not apply  
5 to the sale of the first sixty thousand barrels of beer each year by  
6 breweries that are entitled to a reduced rate of tax under 26 U.S.C.  
7 Sec. 5051, as existing on July 1, 1993, or such subsequent date as may  
8 be provided by the board by rule consistent with the purposes of this  
9 exemption.

10 (c) All revenues collected from the additional tax imposed under  
11 this subsection (~~((3))~~) (4) shall be deposited in the health services  
12 account under RCW 43.72.900.

13 ~~((4) An additional tax is imposed on all beer that is subject to  
14 tax under subsection (1) of this section that is in the first sixty  
15 thousand barrels of beer by breweries that are entitled to a reduced  
16 rate of tax under 26 U.S.C. Sec. 5051, as existing on July 1, 1993, or  
17 such subsequent date as may be provided by the board by rule consistent  
18 with the purposes of the exemption under subsection (3)(b) of this  
19 section. The additional tax is equal to one dollar and forty-eight and  
20 two-tenths cents per barrel of thirty-one gallons. By the twenty-fifth  
21 day of the following month, three percent of the revenues collected  
22 from this additional tax shall be distributed to border areas under RCW  
23 66.08.195 and the remaining moneys shall be transferred to the state  
24 general fund.))~~

25 (5) The tax imposed under this section shall not apply to "strong  
26 beer" as defined in this title.

27 **Sec. 4.** RCW 69.50.520 and 1998 c 346 s 909 are each amended to  
28 read as follows:

29 The violence reduction and drug enforcement account is created in  
30 the state treasury. All designated receipts from RCW 9.41.110(8),  
31 66.24.210(4), 66.24.290 (2), and (3), 69.50.505(h)(1), 82.08.150(5),  
32 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989  
33 shall be deposited into the account. Expenditures from the account may  
34 be used only for funding services and programs under chapter 271, Laws  
35 of 1989 and chapter 7, Laws of 1994 sp. sess., including state  
36 incarceration costs. Funds from the account may also be appropriated  
37 to reimburse local governments for costs associated with implementing  
38 criminal justice legislation including chapter 338, Laws of 1997.

1 Funds from the account may also be used to fund services under section  
2 2 of this act. During the 1997-1999 biennium, funds from the account  
3 may also be used for costs associated with conducting a feasibility  
4 study of the department of corrections' offender-based tracking system,  
5 providing grants to local governments in accordance with chapter 338,  
6 Laws of 1997, and for multijurisdictional narcotics task forces. After  
7 July 1, 1999, at least seven and one-half percent of expenditures from  
8 the account shall be used for providing grants to community networks  
9 under chapter 70.190 RCW by the family policy council.

10 **Sec. 5.** RCW 66.08.180 and 1997 c 451 s 3 and 1997 c 321 s 57 are  
11 each reenacted and amended to read as follows:

12 (~~Except as provided in RCW 66.24.290(1),~~) Moneys in the liquor  
13 revolving fund shall be distributed by the board at least once every  
14 three months in accordance with RCW 66.08.190, 66.08.200 and 66.08.210:  
15 PROVIDED, That the board shall reserve from distribution such amount  
16 not exceeding five hundred thousand dollars as may be necessary for the  
17 proper administration of this title.

18 (1) All license fees, penalties and forfeitures derived under this  
19 act from (~~class H licenses or class H licensees~~) spirits, beer, and  
20 wine restaurant licenses and licensees shall every three months be  
21 disbursed by the board as follows:

22 (a) Three hundred thousand dollars per biennium, to the University  
23 of Washington for the forensic investigations council to conduct the  
24 state toxicological laboratory pursuant to RCW 68.50.107; and

25 (b) Of the remaining funds:

26 (i) 6.06 percent to the University of Washington and 4.04 percent  
27 to Washington State University for alcoholism and drug abuse research  
28 and for the dissemination of such research; and

29 (ii) 89.9 percent to the general fund to be used by the department  
30 of social and health services solely to carry out the purposes of RCW  
31 70.96A.050;

32 (2) The first fifty-five dollars per license fee provided in RCW  
33 66.24.320 and 66.24.330 up to a maximum of one hundred fifty thousand  
34 dollars annually shall be disbursed every three months by the board to  
35 the general fund to be used for juvenile alcohol and drug prevention  
36 programs for kindergarten through third grade to be administered by the  
37 superintendent of public instruction;

1 (3) Twenty percent of the remaining total amount derived from  
2 license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.350, and  
3 66.24.360, shall be transferred to the general fund to be used by the  
4 department of social and health services solely to carry out the  
5 purposes of RCW 70.96A.050; and

6 (4) One-fourth cent per liter of the tax imposed by RCW 66.24.210  
7 shall every three months be disbursed by the board to Washington State  
8 University solely for wine and wine grape research, extension programs  
9 related to wine and wine grape research, and resident instruction in  
10 both wine grape production and the processing aspects of the wine  
11 industry in accordance with RCW 28B.30.068. The director of financial  
12 management shall prescribe suitable accounting procedures to ensure  
13 that the funds transferred to the general fund to be used by the  
14 department of social and health services and appropriated are  
15 separately accounted for.

16 **Sec. 6.** RCW 66.08.196 and 1997 c 451 s 4 are each amended to read  
17 as follows:

18 Distribution of funds to border areas under RCW 66.08.190 (~~and~~  
19 ~~66.24.290 (1)(a) and (4)~~) shall be as follows:

20 (1) Sixty-five percent of the funds shall be distributed to border  
21 areas ratably based on border area traffic totals;

22 (2) Twenty-five percent of the funds shall be distributed to border  
23 areas ratably based on border-related crime statistics; and

24 (3) Ten percent of the funds shall be distributed to border areas  
25 ratably based upon border area per capita law enforcement spending.

26 Distributions to an unincorporated area that is a point of land  
27 surrounded on three sides by saltwater and adjacent to the Canadian  
28 border shall be made to the county in which such an area is located and  
29 may only be spent on services provided to that area.

30 NEW SECTION. **Sec. 7.** This act may be known and cited as the fetal  
31 alcohol syndrome disability act.

32 NEW SECTION. **Sec. 8.** This act is necessary for the immediate  
33 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect  
2 July 1, 1999.

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