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HOUSE BILL 2211

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State of Washington                      56th Legislature                      1999 Regular Session

By Representatives Dunn, Boldt and Mielke

Read first time 02/19/1999. Referred to Committee on Judiciary.

1            AN ACT Relating to claims arising from enforcement of the Columbia  
2 river gorge national scenic area act; adding a new section to chapter  
3 43.97 RCW; and making appropriations.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 43.97 RCW  
6 to read as follows:

7            (1) There is hereby established a fund to be known as the Columbia  
8 river gorge national scenic area indemnity fund. The indemnity fund  
9 shall consist of legislative appropriations and any federal or other  
10 grants deposited into the fund.

11            (2) The state treasurer shall be the custodian of the indemnity  
12 fund. Disbursements shall be on authorization of the attorney general  
13 or the attorney general's designee. The fund is subject to allotment  
14 procedures under chapter 43.88 RCW, but an appropriation is not  
15 required for disbursements from this fund.

16            (3) The indemnity fund shall be used exclusively for purposes of  
17 paying claims submitted by counties subject to the Columbia river gorge  
18 compact and paying necessary expenses of administering the indemnity  
19 fund. Claims may be submitted for any sums paid as damages to

1 plaintiffs in suits arising out of enforcement of the Columbia river  
2 gorge national scenic area act or the Columbia river gorge compact and  
3 for costs for defense of such suits. A claim shall not be paid when  
4 the attorney general determines that liability of the claimant county  
5 was caused by gross negligence by an officer or employee of the county  
6 or by actions not authorized under state law or the Columbia river  
7 gorge national scenic area act or the Columbia river gorge compact.

8 (4) The attorney general may investigate each claim and determine  
9 whether the claim is valid. The attorney general shall notify each  
10 claimant of the attorney general's determination as to the validity and  
11 amount of each claimant's claim. A claimant may request a hearing on  
12 the attorney general's determination within twenty days of receipt of  
13 written notification and a hearing shall be held by the attorney  
14 general pursuant to chapter 34.05 RCW. Upon determining the amount and  
15 validity of the claim, the attorney general shall pay the claim from  
16 the indemnity fund.

17 (5) The requirement that the state of Washington pay claims under  
18 this section only exists to the extent that the indemnity fund contains  
19 sufficient money to pay the claims. In the event that the amount in  
20 the indemnity fund is insufficient to pay all approved claims, the  
21 claims shall be paid in the order in which they were filed with the  
22 attorney general, until such time as sufficient moneys are available in  
23 the indemnity fund to pay all of the claims.

24 NEW SECTION. **Sec. 2.** (1) The sum of . . . . . dollars, or as  
25 much thereof as may be necessary, is appropriated for the fiscal year  
26 ending June 30, 2000, from the general fund for deposit in the Columbia  
27 river gorge national scenic area indemnity fund for the purposes of  
28 section 1 of this act.

29 (2) The sum of . . . . . dollars, or as much thereof as may be  
30 necessary, is appropriated for the fiscal year ending June 30, 2001,  
31 from the general fund for deposit in the Columbia river gorge national  
32 scenic area indemnity fund for the purposes of section 1 of this act.

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