
SUBSTITUTE HOUSE BILL 1046

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Appropriations (originally sponsored by Representative Sommers; by request of Office of Financial Management)

READ FIRST TIME 02/16/05.

1 AN ACT Relating to the public safety and education account;
2 amending RCW 43.08.260, 3.46.120, 3.50.100, 3.62.020, 3.62.040,
3 7.68.030, 7.68.035, 7.68.085, 9A.82.110, 9.68A.120, 10.82.090,
4 10.105.010, 35.20.220, 36.18.012, 36.18.020, 36.18.025, 43.17.150,
5 46.61.5058, 43.99H.040, 77.15.420, 72.09.111, 72.09.480, 43.99H.040,
6 43.99H.060, and 43.99K.030; repealing RCW 43.08.250; providing an
7 effective date; and declaring an emergency.

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

9 **Sec. 1.** RCW 43.08.260 and 1997 c 319 s 2 are each amended to read
10 as follows:

11 (1)(a) The legislature recognizes the ethical obligation of
12 attorneys to represent clients without interference by third parties in
13 the discharge of professional obligations to clients. However, to
14 ensure the most beneficial use of state resources, the legislature
15 finds that it is within the authority of the legislature to specify the
16 categories of legal cases in which qualified legal aid programs may
17 provide civil representation with state moneys. Accordingly, moneys
18 appropriated for civil legal representation pursuant to this section

1 shall not be used for legal representation that is either outside the
2 scope of this section or prohibited by this section.

3 (b) Nothing in this section is intended to limit the authority of
4 existing entities, including but not limited to the Washington state
5 bar association, the public disclosure commission, the state auditor,
6 and the federal legal services corporation to resolve issues within
7 their respective jurisdictions.

8 (2) Any money appropriated by the legislature (~~from the public~~
9 ~~safety and education account pursuant to RCW 43.08.250 or from any~~
10 ~~other state fund or account~~) for civil representation of indigent
11 persons shall be used solely for the purpose of contracting with
12 qualified legal aid programs for legal representation of indigent
13 persons in matters relating to: (a) Domestic relations and family law
14 matters, (b) public assistance and health care, (c) housing and
15 utilities, (d) social security, (e) mortgage foreclosures, (f) home
16 protection bankruptcies, (g) consumer fraud and unfair sales practices,
17 (h) rights of residents of long-term care facilities, (i) wills,
18 estates, and living wills, (j) elder abuse, and (k) guardianship.

19 (3) For purposes of this section, a "qualified legal aid program"
20 means a not-for-profit corporation incorporated and operating
21 exclusively in Washington which has received basic field funding for
22 the provision of civil legal services to indigents from the federal
23 legal services corporation or that has received funding for civil legal
24 services for indigents under this section before July 1, 1997.

25 (4) The department of community, trade, and economic development
26 shall establish a distribution formula based on the distribution by
27 county of individuals with incomes below the official federal poverty
28 level guidelines. When entering into a contract with a qualified legal
29 services provider under this section, the department shall require the
30 provider to provide legal services in a manner that maximizes
31 geographic access in accordance with the formula established in this
32 subsection (4).

33 (5) Funds distributed to qualified legal aid programs under this
34 section may not be used directly or indirectly for:

35 (a) Lobbying.

36 (i) For purposes of this section, "lobbying" means any personal
37 service, advertisement, telegram, telephone communication, letter,

1 printed or written matter, or other device directly or indirectly
2 intended to influence any member of congress or any other federal,
3 state, or local nonjudicial official, whether elected or appointed:

4 (A) In connection with any act, bill, resolution, or similar
5 legislation by the congress of the United States or by any state or
6 local legislative body, or any administrative rule, rule-making
7 activity, standard, rate, or other enactment by any federal, state, or
8 local administrative agency;

9 (B) In connection with any referendum, initiative, constitutional
10 amendment, or any similar procedure of the congress, any state
11 legislature, any local council, or any similar governing body acting in
12 a legislative capacity; or

13 (C) In connection with inclusion of any provision in a legislative
14 measure appropriating funds to, or defining or limiting the functions
15 or authority of, the recipient of funds under this section.

16 (ii) "Lobbying" does not include the response of an employee of a
17 legal aid program to a written request from a governmental agency, an
18 elected or appointed official, or committee on a specific matter. This
19 exception does not authorize communication with anyone other than the
20 requesting party, or agent or employee of such agency, official, or
21 committee.

22 (b) Grass roots lobbying. For purposes of this section, "grass
23 roots lobbying" means preparation, production, or dissemination of
24 information the purpose of which is to encourage the public at large,
25 or any definable segment thereof, to contact legislators or their staff
26 in support of or in opposition to pending or proposed legislation; or
27 contribute to or participate in a demonstration, march, rally, lobbying
28 campaign, or letter writing or telephone campaign for the purpose of
29 influencing the course of pending or proposed legislation.

30 (c) Class action lawsuits.

31 (d) Participating in or identifying the program with prohibited
32 political activities. For purposes of this section, "prohibited
33 political activities" means (i) any activity directed toward the
34 success or failure of a political party, a candidate for partisan or
35 nonpartisan office, a partisan political group, or a ballot measure;
36 (ii) advertising or contributing or soliciting financial support for or
37 against any candidate, political group, or ballot measure; or (iii)
38 voter registration or transportation activities.

1 (e) Representation in fee-generating cases. For purposes of this
2 section, "fee-generating" means a case that might reasonably be
3 expected to result in a fee for legal services if undertaken by a
4 private attorney. The charging of a fee pursuant to subsection (6) of
5 this section does not establish the fee-generating nature of a case.

6 A fee-generating case may be accepted when: (i) The case has been
7 rejected by the local lawyer referral services or by two private
8 attorneys; (ii) neither the referral service nor two private attorneys
9 will consider the case without payment of a consultation fee; (iii)
10 after consultation with the appropriate representatives of the private
11 bar, the program has determined that the type of case is one that
12 private attorneys do not ordinarily accept, or do not accept without
13 prepayment of a fee; or (iv) the director of the program or the
14 director's designee has determined that referral of the case to the
15 private bar is not possible because documented attempts to refer
16 similar cases in the past have been futile, or because emergency
17 circumstances compel immediate action before referral can be made, but
18 the client is advised that, if appropriate and consistent with
19 professional responsibility, referral will be attempted at a later
20 time.

21 (f) Organizing any association, union, or federation, or
22 representing a labor union. However, nothing in this subsection (5)(f)
23 prohibits the provision of legal services to clients as otherwise
24 permitted by this section.

25 (g) Representation of undocumented aliens.

26 (h) Picketing, demonstrations, strikes, or boycotts.

27 (i) Engaging in inappropriate solicitation. For purposes of this
28 section, "inappropriate solicitation" means promoting the assertion of
29 specific legal claims among persons who know of their rights to make a
30 claim and who decline to do so. Nothing in this subsection precludes
31 a legal services program or its employees from providing information
32 regarding legal rights and responsibilities or providing information
33 regarding the program's services and intake procedures through
34 community legal education activities, responding to an individual's
35 specific question about whether the individual should consult with an
36 attorney or take legal action, or responding to an individual's
37 specific request for information about the individual's legal rights or
38 request for assistance in connection with a specific legal problem.

1 (j) Conducting training programs that: (i) Advocate particular
2 public policies; (ii) encourage or facilitate political activities,
3 labor or antilabor activities, boycotts, picketing, strikes, or
4 demonstrations; or (iii) attempt to influence legislation or rule
5 making. Nothing in this subsection (5)(j) precludes representation of
6 clients as otherwise permitted by this section.

7 (6) The department may establish requirements for client
8 participation in the provision of civil legal services under this
9 section, including but not limited to copayments and sliding fee
10 scales.

11 (7)(a) Contracts entered into by the department of community,
12 trade, and economic development with qualified legal services programs
13 under this section must specify that the program's expenditures of
14 moneys distributed under this section:

15 (i) Must be audited annually by an independent outside auditor.
16 These audit results must be provided to the department of community,
17 trade, and economic development; and

18 (ii) Are subject to audit by the state auditor.

19 (b)(i) Any entity auditing a legal services program under this
20 section shall have access to all records of the legal services program
21 to the full extent necessary to determine compliance with this section,
22 with the exception of confidential information protected by the United
23 States Constitution, the state Constitution, the attorney-client
24 privilege, and applicable rules of attorney conduct.

25 (ii) The legal services program shall have a system allowing for
26 production of case-specific information, including client eligibility
27 and case type, to demonstrate compliance with this section, with the
28 exception of confidential information protected by the United States
29 Constitution, the state Constitution, the attorney-client privilege,
30 and applicable rules of attorney conduct. Such information shall be
31 available to any entity that audits the program.

32 (8) The department of community, trade, and economic development
33 must recover or withhold amounts determined by an audit to have been
34 used in violation of this section.

35 (9) The department of community, trade, and economic development
36 may adopt rules to implement this section.

1 **Sec. 2.** RCW 3.46.120 and 2004 c 15 s 7 are each amended to read as
2 follows:

3 (1) All money received by the clerk of a municipal department
4 including penalties, fines, bail forfeitures, fees and costs shall be
5 paid by the clerk to the city treasurer.

6 (2) Except as provided in RCW 10.99.080, the city treasurer shall
7 remit monthly thirty-two percent of the noninterest money received
8 under this section, other than for parking infractions, and certain
9 costs to the state treasurer. "Certain costs" as used in this
10 subsection, means those costs awarded to prevailing parties in civil
11 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
12 convicted defendants in criminal actions under RCW 10.01.160,
13 10.46.190, or 36.18.040, or other similar statutes if such costs are
14 specifically designated as costs by the court and are awarded for the
15 specific reimbursement of costs incurred by the state, county, city, or
16 town in the prosecution of the case, including the fees of defense
17 counsel. Money remitted under this subsection to the state treasurer
18 shall be deposited (~~(as provided in RCW 43.08.250)~~) in the state
19 general fund.

20 (3) The balance of the noninterest money received under this
21 section shall be retained by the city and deposited as provided by law.

22 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue
23 interest at the rate of twelve percent per annum, upon assignment to a
24 collection agency. Interest may accrue only while the case is in
25 collection status.

26 (5) Interest retained by the court on penalties, fines, bail
27 forfeitures, fees, and costs shall be split twenty-five percent to the
28 state treasurer for deposit in the (~~(public safety and education~~
29 ~~account as provided in RCW 43.08.250)) state general fund, twenty-five
30 percent to the state treasurer for deposit in the judicial information
31 system account as provided in RCW 2.68.020, twenty-five percent to the
32 city general fund, and twenty-five percent to the city general fund to
33 fund local courts.~~

34 **Sec. 3.** RCW 3.50.100 and 2004 c 15 s 3 are each amended to read as
35 follows:

36 (1) Costs in civil and criminal actions may be imposed as provided
37 in district court. All fees, costs, fines, forfeitures and other money

1 imposed by any municipal court for the violation of any municipal or
2 town ordinances shall be collected by the court clerk and, together
3 with any other noninterest revenues received by the clerk, shall be
4 deposited with the city or town treasurer as a part of the general fund
5 of the city or town, or deposited in such other fund of the city or
6 town, or deposited in such other funds as may be designated by the laws
7 of the state of Washington.

8 (2) Except as provided in RCW 10.99.080, the city treasurer shall
9 remit monthly thirty-two percent of the noninterest money received
10 under this section, other than for parking infractions, and certain
11 costs to the state treasurer. "Certain costs" as used in this
12 subsection, means those costs awarded to prevailing parties in civil
13 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
14 convicted defendants in criminal actions under RCW 10.01.160,
15 10.46.190, or 36.18.040, or other similar statutes if such costs are
16 specifically designated as costs by the court and are awarded for the
17 specific reimbursement of costs incurred by the state, county, city, or
18 town in the prosecution of the case, including the fees of defense
19 counsel. Money remitted under this subsection to the state treasurer
20 shall be deposited (~~(as provided in RCW 43.08.250)~~) in the state
21 general fund.

22 (3) The balance of the noninterest money received under this
23 section shall be retained by the city and deposited as provided by law.

24 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue
25 interest at the rate of twelve percent per annum, upon assignment to a
26 collection agency. Interest may accrue only while the case is in
27 collection status.

28 (5) Interest retained by the court on penalties, fines, bail
29 forfeitures, fees, and costs shall be split twenty-five percent to the
30 state treasurer for deposit in the (~~(public safety and education~~
31 ~~account as provided in RCW 43.08.250)) state general fund, twenty-five
32 percent to the state treasurer for deposit in the judicial information
33 system account as provided in RCW 2.68.020, twenty-five percent to the
34 city general fund, and twenty-five percent to the city general fund to
35 fund local courts.~~

36 **Sec. 4.** RCW 3.62.020 and 2004 c 15 s 4 are each amended to read as
37 follows:

1 (1) Except as provided in subsection (4) of this section, all
2 costs, fees, fines, forfeitures and penalties assessed and collected in
3 whole or in part by district courts, except costs, fines, forfeitures
4 and penalties assessed and collected, in whole or in part, because of
5 the violation of city ordinances, shall be remitted by the clerk of the
6 district court to the county treasurer at least monthly, together with
7 a financial statement as required by the state auditor, noting the
8 information necessary for crediting of such funds as required by law.

9 (2) Except as provided in RCW 10.99.080, the county treasurer shall
10 remit thirty-two percent of the noninterest money received under
11 subsection (1) of this section except certain costs to the state
12 treasurer. "Certain costs" as used in this subsection, means those
13 costs awarded to prevailing parties in civil actions under RCW 4.84.010
14 or 36.18.040, or those costs awarded against convicted defendants in
15 criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other
16 similar statutes if such costs are specifically designated as costs by
17 the court and are awarded for the specific reimbursement of costs
18 incurred by the state or county in the prosecution of the case,
19 including the fees of defense counsel. Money remitted under this
20 subsection to the state treasurer shall be deposited (~~as provided in~~
21 ~~RCW 43.08.250~~) in the state general fund.

22 (3) The balance of the noninterest money received by the county
23 treasurer under subsection (1) of this section shall be deposited in
24 the county current expense fund.

25 (4) All money collected for county parking infractions shall be
26 remitted by the clerk of the district court at least monthly, with the
27 information required under subsection (1) of this section, to the
28 county treasurer for deposit in the county current expense fund.

29 (5) Penalties, fines, bail forfeitures, fees, and costs may accrue
30 interest at the rate of twelve percent per annum, upon assignment to a
31 collection agency. Interest may accrue only while the case is in
32 collection status.

33 (6) Interest retained by the court on penalties, fines, bail
34 forfeitures, fees, and costs shall be split twenty-five percent to the
35 state treasurer for deposit in the (~~public safety and education~~
36 ~~account as provided in RCW 43.08.250~~) state general fund, twenty-five
37 percent to the state treasurer for deposit in the judicial information

1 system account as provided in RCW 2.68.020, twenty-five percent to the
2 county current expense fund, and twenty-five percent to the county
3 current expense fund to fund local courts.

4 **Sec. 5.** RCW 3.62.040 and 2004 c 15 s 8 are each amended to read as
5 follows:

6 (1) Except as provided in subsection (4) of this section, all
7 costs, fines, forfeitures and penalties assessed and collected, in
8 whole or in part, by district courts because of violations of city
9 ordinances shall be remitted by the clerk of the district court at
10 least monthly directly to the treasurer of the city wherein the
11 violation occurred.

12 (2) Except as provided in RCW 10.99.080, the city treasurer shall
13 remit monthly thirty-two percent of the noninterest money received
14 under this section, other than for parking infractions and certain
15 costs, to the state treasurer. "Certain costs" as used in this
16 subsection, means those costs awarded to prevailing parties in civil
17 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
18 convicted defendants in criminal actions under RCW 10.01.160,
19 10.46.190, or 36.18.040, or other similar statutes if such costs are
20 specifically designated as costs by the court and are awarded for the
21 specific reimbursement of costs incurred by the state, county, city, or
22 town in the prosecution of the case, including the fees of defense
23 counsel. Money remitted under this subsection to the state treasurer
24 shall be deposited (~~as provided in RCW 43.08.250~~) in the state
25 general fund.

26 (3) The balance of the noninterest money received under this
27 section shall be retained by the city and deposited as provided by law.

28 (4) All money collected for city parking infractions shall be
29 remitted by the clerk of the district court at least monthly to the
30 city treasurer for deposit in the city's general fund.

31 (5) Penalties, fines, bail forfeitures, fees, and costs may accrue
32 interest at the rate of twelve percent per annum, upon assignment to a
33 collection agency. Interest may accrue only while the case is in
34 collection status.

35 (6) Interest retained by the court on penalties, fines, bail
36 forfeitures, fees, and costs shall be split twenty-five percent to the
37 state treasurer for deposit in the (~~public safety and education~~

1 ~~account as provided in RCW 43.08.250))~~ state general fund, twenty-five
2 percent to the state treasurer for deposit in the judicial information
3 system account as provided in RCW 2.68.020, twenty-five percent to the
4 city general fund, and twenty-five percent to the city general fund to
5 fund local courts.

6 **Sec. 6.** RCW 7.68.030 and 1989 1st ex.s. c 5 s 2 are each amended
7 to read as follows:

8 It shall be the duty of the director to establish and administer a
9 program of benefits to innocent victims of criminal acts within the
10 terms and limitations of this chapter. In so doing, the director
11 shall, in accordance with chapter 34.05 RCW, adopt rules and
12 regulations necessary to the administration of this chapter, and the
13 provisions contained in chapter 51.04 RCW, including but not limited to
14 RCW 51.04.020, 51.04.030, 51.04.040, 51.04.050 and 51.04.100 as now or
15 hereafter amended, shall apply where appropriate in keeping with the
16 intent of this chapter. The director may apply for and, subject to
17 appropriation, expend federal funds under Public Law 98-473 and any
18 other federal program providing financial assistance to state crime
19 victim compensation programs. The federal funds shall be deposited in
20 the (~~public safety and education account in the~~) general fund and may
21 be expended only for purposes authorized by applicable federal law.

22 **Sec. 7.** RCW 7.68.035 and 2000 c 71 s 3 are each amended to read as
23 follows:

24 (1)(a) When any person is found guilty in any superior court of
25 having committed a crime, except as provided in subsection (2) of this
26 section, there shall be imposed by the court upon such convicted person
27 a penalty assessment. The assessment shall be in addition to any other
28 penalty or fine imposed by law and shall be five hundred dollars for
29 each case or cause of action that includes one or more convictions of
30 a felony or gross misdemeanor and two hundred fifty dollars for any
31 case or cause of action that includes convictions of only one or more
32 misdemeanors.

33 (b) When any juvenile is adjudicated of any offense in any juvenile
34 offense disposition under Title 13 RCW, except as provided in
35 subsection (2) of this section, there shall be imposed upon the
36 juvenile offender a penalty assessment. The assessment shall be in

1 addition to any other penalty or fine imposed by law and shall be one
2 hundred dollars for each case or cause of action that includes one or
3 more adjudications for a felony or gross misdemeanor and seventy-five
4 dollars for each case or cause of action that includes adjudications of
5 only one or more misdemeanors.

6 (2) The assessment imposed by subsection (1) of this section shall
7 not apply to motor vehicle crimes defined in Title 46 RCW except those
8 defined in the following sections: RCW 46.61.520, 46.61.522,
9 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.101,
10 46.20.410, 46.52.020, 46.10.130, 46.09.130, 46.61.5249, 46.61.525,
11 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180,
12 46.10.090(2), and 46.09.120(2).

13 (3) When any person accused of having committed a crime posts bail
14 in superior court pursuant to the provisions of chapter 10.19 RCW and
15 such bail is forfeited, there shall be deducted from the proceeds of
16 such forfeited bail a penalty assessment, in addition to any other
17 penalty or fine imposed by law, equal to the assessment which would be
18 applicable under subsection (1) of this section if the person had been
19 convicted of the crime.

20 (4) Such penalty assessments shall be paid by the clerk of the
21 superior court to the county treasurer who shall monthly transmit the
22 money as provided in RCW 10.82.070. Each county shall deposit fifty
23 percent of the money it receives per case or cause of action under
24 subsection (1) of this section and retains under RCW 10.82.070, not
25 less than one and seventy-five one-hundredths percent of the remaining
26 money it retains under RCW 10.82.070 and the money it retains under
27 chapter 3.62 RCW, and all money it receives under subsection (7) of
28 this section into a fund maintained exclusively for the support of
29 comprehensive programs to encourage and facilitate testimony by the
30 victims of crimes and witnesses to crimes. A program shall be
31 considered "comprehensive" only after approval of the department upon
32 application by the county prosecuting attorney. The department shall
33 approve as comprehensive only programs which:

34 (a) Provide comprehensive services to victims and witnesses of all
35 types of crime with particular emphasis on serious crimes against
36 persons and property. It is the intent of the legislature to make
37 funds available only to programs which do not restrict services to

1 victims or witnesses of a particular type or types of crime and that
2 such funds supplement, not supplant, existing local funding levels;

3 (b) Are administered by the county prosecuting attorney either
4 directly through the prosecuting attorney's office or by contract
5 between the county and agencies providing services to victims of crime;

6 (c) Make a reasonable effort to inform the known victim or his
7 surviving dependents of the existence of this chapter and the procedure
8 for making application for benefits;

9 (d) Assist victims in the restitution and adjudication process; and

10 (e) Assist victims of violent crimes in the preparation and
11 presentation of their claims to the department of labor and industries
12 under this chapter.

13 Before a program in any county west of the Cascade mountains is
14 submitted to the department for approval, it shall be submitted for
15 review and comment to each city within the county with a population of
16 more than one hundred fifty thousand. The department will consider if
17 the county's proposed comprehensive plan meets the needs of crime
18 victims in cases adjudicated in municipal, district or superior courts
19 and of crime victims located within the city and county.

20 (5) Upon submission to the department of a letter of intent to
21 adopt a comprehensive program, the prosecuting attorney shall retain
22 the money deposited by the county under subsection (4) of this section
23 until such time as the county prosecuting attorney has obtained
24 approval of a program from the department. Approval of the
25 comprehensive plan by the department must be obtained within one year
26 of the date of the letter of intent to adopt a comprehensive program.
27 The county prosecuting attorney shall not make any expenditures from
28 the money deposited under subsection (4) of this section until approval
29 of a comprehensive plan by the department. If a county prosecuting
30 attorney has failed to obtain approval of a program from the department
31 under subsection (4) of this section or failed to obtain approval of a
32 comprehensive program within one year after submission of a letter of
33 intent under this section, the county treasurer shall monthly transmit
34 one hundred percent of the money deposited by the county under
35 subsection (4) of this section to the state treasurer for deposit in
36 the ((~~public safety and education account established under RCW~~
37 ~~43.08.250~~)) state general fund.

1 (6) County prosecuting attorneys are responsible to make every
2 reasonable effort to insure that the penalty assessments of this
3 chapter are imposed and collected.

4 (7) Every city and town shall transmit monthly one and seventy-five
5 one-hundredths percent of all money, other than money received for
6 parking infractions, retained under RCW 3.46.120, 3.50.100, and
7 35.20.220 to the county treasurer for deposit as provided in subsection
8 (4) of this section.

9 **Sec. 8.** RCW 7.68.085 and 1990 c 3 s 504 are each amended to read
10 as follows:

11 The director of labor and industries shall institute a cap on
12 medical benefits of one hundred fifty thousand dollars per injury or
13 death. Payment for medical services in excess of the cap shall be made
14 available to any innocent victim under the same conditions as other
15 medical services and if the medical services are:

16 (1) Necessary for a previously accepted condition;

17 (2) Necessary to protect the victim's life or prevent deterioration
18 of the victim's previously accepted condition; and

19 (3) Not available from an alternative source.

20 ~~((The director of financial management and the director of labor
21 and industries shall monitor expenditures from the public safety and
22 education account. Once each fiscal quarter, the director of financial
23 management shall determine if expenditures from the public safety and
24 education account during the prior fiscal quarter exceeded allotments
25 by more than ten percent. Within thirty days of a determination that
26 expenditures exceeded allotments by more than ten percent, the director
27 of financial management shall develop and implement a plan to reduce
28 expenditures from the account to a level that does not exceed the
29 allotments. Such a plan may include across the board reductions in
30 allotments from the account to all nonjudicial agencies except for the
31 crime victims compensation program. In implementing the plan, the
32 director of financial management shall seek the cooperation of judicial
33 agencies in reducing their expenditures from the account. The director
34 of financial management shall notify the legislative fiscal committees
35 prior to implementation of the plan.~~

36 ~~Development and implementation of the plan is not required if the
37 director of financial management notifies the legislative fiscal~~

1 ~~committees that increases in the official revenue forecast for the~~
2 ~~public safety and education account for that fiscal quarter will~~
3 ~~eliminate the need to reduce expenditures from the account. The~~
4 ~~official revenue forecast for the public safety and education account~~
5 ~~shall be prepared by the economic and revenue forecast council pursuant~~
6 ~~to RCW 82.33.020 and 82.33.010.))~~

7 For the purposes of this section, an individual will not be
8 required to use his or her assets other than funds recovered as a
9 result of a civil action or criminal restitution, for medical expenses
10 or pain and suffering, in order to qualify for an alternative source of
11 payment.

12 ~~((The director shall, in cooperation with the department of social~~
13 ~~and health services, establish by October 1, 1989, a process to aid~~
14 ~~crime victims in identifying and applying for appropriate alternative~~
15 ~~benefit programs, if any, administered by the department of social and~~
16 ~~health services.))~~

17 **Sec. 9.** RCW 9A.82.110 and 2001 c 222 s 15 are each amended to read
18 as follows:

19 ~~(1) ((Any payments or forfeiture to the state general fund ordered~~
20 ~~under RCW 9A.82.100 (4) or (5) shall be deposited in the public safety~~
21 ~~and education account.~~

22 ~~(2))~~ In an action brought by the attorney general on behalf of the
23 state under RCW 9A.82.100(1)(b)(i) in which the state prevails, any
24 payments ordered in excess of the actual damages sustained shall be
25 deposited in the ~~((public safety and education account))~~ state general
26 fund.

27 ~~((3) It is the intent of the legislature that the money deposited~~
28 ~~in the public safety and education account pursuant to this chapter be~~
29 ~~appropriated to promote crime victims' compensation.~~

30 ~~(4))~~ (2)(a) The county legislative authority may establish an
31 antiprofitereing revolving fund to be administered by the county
32 prosecuting attorney under the conditions and for the purposes provided
33 by this subsection. Disbursements from the fund shall be on
34 authorization of the county prosecuting attorney. No appropriation is
35 required for disbursements.

36 (b) Any prosecution and investigation costs, including attorney's
37 fees, recovered for the state by the county prosecuting attorney as a

1 result of enforcement of civil and criminal statutes pertaining to any
2 offense included in the definition of criminal profiteering, whether by
3 final judgment, settlement, or otherwise, shall be deposited, as
4 directed by a court of competent jurisdiction, in the fund established
5 by this subsection. In an action brought by a prosecuting attorney on
6 behalf of the county under RCW 9A.82.100(1)(b)(i) in which the county
7 prevails, any payments ordered in excess of the actual damages
8 sustained shall be deposited (~~in the public safety and education~~
9 ~~account~~) in the state general fund.

10 (c) The county legislative authority may prescribe a maximum level
11 of moneys in the antiprofitteering revolving fund. Moneys exceeding the
12 prescribed maximum shall be transferred to the county current expense
13 fund.

14 (d) The moneys in the fund shall be used by the county prosecuting
15 attorney for the investigation and prosecution of any offense, within
16 the jurisdiction of the county prosecuting attorney, included in the
17 definition of criminal profiteering, including civil enforcement.

18 (e) If a county has not established an antiprofitteering revolving
19 fund, any payments or forfeitures ordered to the county under this
20 chapter shall be deposited to the county current expense fund.

21 **Sec. 10.** RCW 9.68A.120 and 1999 c 143 s 8 are each amended to read
22 as follows:

23 The following are subject to seizure and forfeiture:

24 (1) All visual or printed matter that depicts a minor engaged in
25 sexually explicit conduct.

26 (2) All raw materials, equipment, and other tangible personal
27 property of any kind used or intended to be used to manufacture or
28 process any visual or printed matter that depicts a minor engaged in
29 sexually explicit conduct, and all conveyances, including aircraft,
30 vehicles, or vessels that are used or intended for use to transport, or
31 in any manner to facilitate the transportation of, visual or printed
32 matter in violation of RCW 9.68A.050 or 9.68A.060, but:

33 (a) No conveyance used by any person as a common carrier in the
34 transaction of business as a common carrier is subject to forfeiture
35 under this section unless it appears that the owner or other person in
36 charge of the conveyance is a consenting party or privy to a violation
37 of this chapter;

1 (b) No property is subject to forfeiture under this section by
2 reason of any act or omission established by the owner of the property
3 to have been committed or omitted without the owner's knowledge or
4 consent;

5 (c) A forfeiture of property encumbered by a bona fide security
6 interest is subject to the interest of the secured party if the secured
7 party neither had knowledge of nor consented to the act or omission;
8 and

9 (d) When the owner of a conveyance has been arrested under this
10 chapter the conveyance may not be subject to forfeiture unless it is
11 seized or process is issued for its seizure within ten days of the
12 owner's arrest.

13 (3) All personal property, moneys, negotiable instruments,
14 securities, or other tangible or intangible property furnished or
15 intended to be furnished by any person in exchange for visual or
16 printed matter depicting a minor engaged in sexually explicit conduct,
17 or constituting proceeds traceable to any violation of this chapter.

18 (4) Property subject to forfeiture under this chapter may be seized
19 by any law enforcement officer of this state upon process issued by any
20 superior court having jurisdiction over the property. Seizure without
21 process may be made if:

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

24 (b) The property subject to seizure has been the subject of a prior
25 judgment in favor of the state in a criminal injunction or forfeiture
26 proceeding based upon this chapter;

27 (c) A law enforcement officer has probable cause to believe that
28 the property is directly or indirectly dangerous to health or safety;
29 or

30 (d) The law enforcement officer has probable cause to believe that
31 the property was used or is intended to be used in violation of this
32 chapter.

33 (5) In the event of seizure under subsection (4) of this section,
34 proceedings for forfeiture shall be deemed commenced by the seizure.
35 The law enforcement agency under whose authority the seizure was made
36 shall cause notice to be served within fifteen days following the
37 seizure on the owner of the property seized and the person in charge
38 thereof and any person having any known right or interest therein, of

1 the seizure and intended forfeiture of the seized property. The notice
2 may be served by any method authorized by law or court rule including
3 but not limited to service by certified mail with return receipt
4 requested. Service by mail shall be deemed complete upon mailing
5 within the fifteen day period following the seizure.

6 (6) If no person notifies the seizing law enforcement agency in
7 writing of the person's claim of ownership or right to possession of
8 seized items within forty-five days of the seizure, the item seized
9 shall be deemed forfeited.

10 (7) If any person notifies the seizing law enforcement agency in
11 writing of the person's claim of ownership or right to possession of
12 seized items within forty-five days of the seizure, the person or
13 persons shall be afforded a reasonable opportunity to be heard as to
14 the claim or right. The hearing shall be before an administrative law
15 judge appointed under chapter 34.12 RCW, except that any person
16 asserting a claim or right may remove the matter to a court of
17 competent jurisdiction if the aggregate value of the article or
18 articles involved is more than five hundred dollars. The hearing
19 before an administrative law judge and any appeal therefrom shall be
20 under Title 34 RCW. In a court hearing between two or more claimants
21 to the article or articles involved, the prevailing party shall be
22 entitled to a judgment for costs and reasonable attorney's fees. The
23 burden of producing evidence shall be upon the person claiming to be
24 the lawful owner or the person claiming to have the lawful right to
25 possession of the seized items. The seizing law enforcement agency
26 shall promptly return the article or articles to the claimant upon a
27 determination by the administrative law judge or court that the
28 claimant is lawfully entitled to possession thereof of the seized
29 items.

30 (8) If property is sought to be forfeited on the ground that it
31 constitutes proceeds traceable to a violation of this chapter, the
32 seizing law enforcement agency must prove by a preponderance of the
33 evidence that the property constitutes proceeds traceable to a
34 violation of this chapter.

35 (9) When property is forfeited under this chapter the seizing law
36 enforcement agency may:

37 (a) Retain it for official use or upon application by any law

1 enforcement agency of this state release the property to that agency
2 for the exclusive use of enforcing this chapter;

3 (b) Sell that which is not required to be destroyed by law and
4 which is not harmful to the public. The proceeds and all moneys
5 forfeited under this chapter shall be used for payment of all proper
6 expenses of the investigation leading to the seizure, including any
7 money delivered to the subject of the investigation by the law
8 enforcement agency, and of the proceedings for forfeiture and sale,
9 including expenses of seizure, maintenance of custody, advertising,
10 actual costs of the prosecuting or city attorney, and court costs.
11 Fifty percent of the money remaining after payment of these expenses
12 shall be deposited in the (~~public safety and education account~~
13 ~~established under RCW 43.08.250~~) state general fund and fifty percent
14 shall be deposited in the general fund of the state, county, or city of
15 the seizing law enforcement agency; or

16 (c) Request the appropriate sheriff or director of public safety to
17 take custody of the property and remove it for disposition in
18 accordance with law.

19 **Sec. 11.** RCW 10.82.090 and 2004 c 121 s 1 are each amended to read
20 as follows:

21 (1) Except as provided in subsection (2) of this section, financial
22 obligations imposed in a judgment shall bear interest from the date of
23 the judgment until payment, at the rate applicable to civil judgments.
24 All nonrestitution interest retained by the court shall be split
25 twenty-five percent to the state treasurer for deposit in the (~~public~~
26 ~~safety and education account as provided in RCW 43.08.250~~) state
27 general fund, twenty-five percent to the state treasurer for deposit in
28 the judicial information system account as provided in RCW 2.68.020,
29 twenty-five percent to the county current expense fund, and twenty-five
30 percent to the county current expense fund to fund local courts.

31 (2) The court may, on motion by the offender, following the
32 offender's release from total confinement, reduce or waive the interest
33 on legal financial obligations levied as a result of a criminal
34 conviction. The court may reduce or waive the interest only as an
35 incentive for the offender to meet his or her legal financial
36 obligations. The court may not waive the interest on the restitution
37 portion of the legal financial obligation and may only reduce the

1 interest on the restitution portion of the legal financial obligation
2 if the principal of the restitution has been paid in full. The
3 offender must show that he or she has personally made a good faith
4 effort to pay, that the interest accrual is causing a significant
5 hardship, and that he or she will be unable to pay the principal and
6 interest in full and that reduction or waiver of the interest will
7 likely enable the offender to pay the full principal and any remaining
8 interest thereon. For purposes of this section, "good faith effort"
9 means that the offender has either (a) paid the principal amount in
10 full; or (b) made twenty-four consecutive monthly payments, excluding
11 any payments mandatorily deducted by the department of corrections, on
12 his or her legal financial obligations under his or her payment
13 agreement with the court. The court may grant the motion, establish a
14 payment schedule, and retain jurisdiction over the offender for
15 purposes of reviewing and revising the reduction or waiver of interest.
16 This section applies to persons convicted as adults or in juvenile
17 court.

18 **Sec. 12.** RCW 10.105.010 and 1993 c 288 s 2 are each amended to
19 read as follows:

20 (1) The following are subject to seizure and forfeiture and no
21 property right exists in them: All personal property, including, but
22 not limited to, any item, object, tool, substance, device, weapon,
23 machine, vehicle of any kind, money, security, or negotiable
24 instrument, which has been or was actually employed as an
25 instrumentality in the commission of, or in aiding or abetting in the
26 commission of any felony, or which was furnished or was intended to be
27 furnished by any person in the commission of, as a result of, or as
28 compensation for the commission of, any felony, or which was acquired
29 in whole or in part with proceeds traceable to the commission of a
30 felony. No property may be forfeited under this section until after
31 there has been a superior court conviction of the owner of the property
32 for the felony in connection with which the property was employed,
33 furnished, or acquired.

34 A forfeiture of property encumbered by a bona fide security
35 interest is subject to the interest of the secured party if at the time
36 the security interest was created, the secured party neither had
37 knowledge of nor consented to the commission of the felony.

1 (2) Personal property subject to forfeiture under this chapter may
2 be seized by any law enforcement officer of this state upon process
3 issued by any superior court having jurisdiction over the property.
4 Seizure of personal property without process may be made if:

5 (a) The seizure is incident to an arrest or a search under a search
6 warrant;

7 (b) The property subject to seizure has been the subject of a prior
8 judgment in favor of the state in a criminal injunction or forfeiture
9 proceeding;

10 (c) A law enforcement officer has probable cause to believe that
11 the property is directly dangerous to health or safety; or

12 (d) The law enforcement officer has probable cause to believe that
13 the property was used or is intended to be used in the commission of a
14 felony.

15 (3) In the event of seizure pursuant to this section, proceedings
16 for forfeiture shall be deemed commenced by the seizure. The law
17 enforcement agency under whose authority the seizure was made shall
18 cause notice to be served within fifteen days following the seizure on
19 the owner of the property seized and the person in charge thereof and
20 any person having any known right or interest therein, including any
21 community property interest, of the seizure and intended forfeiture of
22 the seized property. The notice of seizure may be served by any method
23 authorized by law or court rule including but not limited to service by
24 certified mail with return receipt requested. Service by mail shall be
25 deemed complete upon mailing within the fifteen day period following
26 the seizure. Notice of seizure in the case of property subject to a
27 security interest that has been perfected by filing a financing
28 statement in accordance with chapter ((62A.9)) 62A.9A RCW, or a
29 certificate of title shall be made by service upon the secured party or
30 the secured party's assignee at the address shown on the financing
31 statement or the certificate of title.

32 (4) If no person notifies the seizing law enforcement agency in
33 writing of the person's claim of ownership or right to possession of
34 items specified in subsection (1) of this section within forty-five
35 days of the seizure, the item seized shall be deemed forfeited.

36 (5) If a person notifies the seizing law enforcement agency in
37 writing of the person's claim of ownership or right to possession of
38 the seized property within forty-five days of the seizure, the law

1 enforcement agency shall give the person or persons a reasonable
2 opportunity to be heard as to the claim or right. The hearing shall be
3 before the chief law enforcement officer of the seizing agency or the
4 chief law enforcement officer's designee, except where the seizing
5 agency is a state agency as defined in RCW 34.12.020(4), the hearing
6 shall be before the chief law enforcement officer of the seizing agency
7 or an administrative law judge appointed under chapter 34.12 RCW,
8 except that any person asserting a claim or right may remove the matter
9 to a court of competent jurisdiction. Removal may only be accomplished
10 according to the rules of civil procedure. The person seeking removal
11 of the matter must serve process against the state, county, political
12 subdivision, or municipality that operates the seizing agency, and any
13 other party of interest, in accordance with RCW 4.28.080 or 4.92.020,
14 within forty-five days after the person seeking removal has notified
15 the seizing law enforcement agency of the person's claim of ownership
16 or right to possession. The court to which the matter is to be removed
17 shall be the district court when the aggregate value of the property is
18 within the jurisdictional limit set forth in RCW 3.66.020. A hearing
19 before the seizing agency and any appeal therefrom shall be under Title
20 34 RCW. In a court hearing between two or more claimants to the
21 property involved, the prevailing party shall be entitled to a judgment
22 for costs and reasonable attorney's fees. The burden of producing
23 evidence shall be upon the person claiming to be the lawful owner or
24 the person claiming to have the lawful right to possession of the
25 property. The seizing law enforcement agency shall promptly return the
26 property to the claimant upon a determination by the administrative law
27 judge or court that the claimant is the present lawful owner or is
28 lawfully entitled to possession of the property.

29 (6) When property is forfeited under this chapter, after satisfying
30 any court-ordered victim restitution, the seizing law enforcement
31 agency may:

32 (a) Retain it for official use or upon application by any law
33 enforcement agency of this state release such property to such agency
34 for the exclusive use of enforcing the criminal law;

35 (b) Sell that which is not required to be destroyed by law and
36 which is not harmful to the public.

37 (7) By January 31st of each year, each seizing agency shall remit
38 to the state treasurer an amount equal to ten percent of the net

1 proceeds of any property forfeited during the preceding calendar year.
2 Money remitted shall be deposited in the (~~public safety and education~~
3 ~~account~~) state general fund.

4 (a) The net proceeds of forfeited property is the value of the
5 forfeitable interest in the property after deducting the cost of
6 satisfying any bona fide security interest to which the property is
7 subject at the time of seizure; and in the case of sold property, after
8 deducting the cost of sale, including reasonable fees or commissions
9 paid to independent selling agents.

10 (b) The value of sold forfeited property is the sale price. The
11 value of retained forfeited property is the fair market value of the
12 property at the time of seizure, determined when possible by reference
13 to an applicable commonly used index, such as the index used by the
14 department of licensing for valuation of motor vehicles. A seizing
15 agency may use, but need not use, an independent qualified appraiser to
16 determine the value of retained property. If an appraiser is used, the
17 value of the property appraised is net of the cost of the appraisal.
18 The value of destroyed property and retained firearms or illegal
19 property is zero.

20 (c) Retained property and net proceeds not required to be paid to
21 the state treasurer, or otherwise required to be spent under this
22 section, shall be retained by the seizing law enforcement agency
23 exclusively for the expansion and improvement of law enforcement
24 activity. Money retained under this section may not be used to
25 supplant preexisting funding sources.

26 **Sec. 13.** RCW 35.20.220 and 2004 c 15 s 9 are each amended to read
27 as follows:

28 (1) The chief clerk, under the supervision and direction of the
29 court administrator of the municipal court, shall have the custody and
30 care of the books, papers, and records of (~~said~~) the court(~~;-he~~).
31 The chief clerk or a deputy shall be present (~~by himself or deputy~~)
32 during the session of (~~said~~) the court(~~;-~~) and (~~shall have~~) has
33 the power to swear all witnesses and jurors, (~~and~~) administer oaths
34 and affidavits, and take acknowledgments. (~~He~~) The chief clerk shall
35 keep the records of (~~said~~) the court(~~;-~~) and shall issue all process
36 under his or her hand and the seal of (~~said~~) the court(~~;-and~~). The
37 chief clerk shall do and perform all things and have the same powers

1 pertaining to (~~his~~) the office as the clerks of the superior courts
2 have in their office. He or she shall receive all fines, penalties,
3 and fees of every kind(~~(7)~~) and keep a full, accurate, and detailed
4 account of the same(~~(7 and)~~). The chief clerk shall on each day pay
5 into the city treasury all money received for (~~said~~) the city during
6 the day previous, with a detailed account of the same, and taking the
7 treasurer's receipt therefor.

8 (2) Except as provided in RCW 10.99.080, the city treasurer shall
9 remit monthly thirty-two percent of the noninterest money received
10 under this section, other than for parking infractions and certain
11 costs to the state treasurer. "Certain costs" as used in this
12 subsection, means those costs awarded to prevailing parties in civil
13 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
14 convicted defendants in criminal actions under RCW 10.01.160,
15 10.46.190, or 36.18.040, or other similar statutes if such costs are
16 specifically designated as costs by the court and are awarded for the
17 specific reimbursement of costs incurred by the state, county, city, or
18 town in the prosecution of the case, including the fees of defense
19 counsel. Money remitted under this subsection to the state treasurer
20 shall be deposited (~~(as provided in RCW 43.08.250)~~) in the state
21 general fund.

22 (3) The balance of the noninterest money received under this
23 section shall be retained by the city and deposited as provided by law.

24 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue
25 interest at the rate of twelve percent per annum, upon assignment to a
26 collection agency. Interest may accrue only while the case is in
27 collection status.

28 (5) Interest retained by the court on penalties, fines, bail
29 forfeitures, fees, and costs shall be split twenty-five percent to the
30 state treasurer for deposit in the (~~public safety and education~~
31 ~~account as provided in RCW 43.08.250~~) state general fund, twenty-five
32 percent to the state treasurer for deposit in the judicial information
33 system account as provided in RCW 2.68.020, twenty-five percent to the
34 city general fund, and twenty-five percent to the city general fund to
35 fund local courts.

36 **Sec. 14.** RCW 36.18.012 and 2001 c 146 s 1 are each amended to read
37 as follows:

1 (1) Revenue collected under this section is subject to division
2 with the state (~~for deposit in the public safety and education~~
3 ~~account~~) under RCW 36.18.025.

4 (2) The party filing a transcript or abstract of judgment or
5 verdict from a United States court held in this state, or from the
6 superior court of another county or from a district court in the county
7 of issuance, shall pay at the time of filing a fee of fifteen dollars.

8 (3) The clerk shall collect a fee of twenty dollars for: Filing a
9 paper not related to or a part of a proceeding, civil or criminal, or
10 a probate matter, required or permitted to be filed in the clerk's
11 office for which no other charge is provided by law.

12 (4) If the defendant serves or files an answer to an unlawful
13 detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff
14 shall pay before proceeding with the unlawful detainer action eighty
15 dollars.

16 (5) For a restrictive covenant for filing a petition to strike
17 discriminatory provisions in real estate under RCW 49.60.227 a fee of
18 twenty dollars must be charged.

19 (6) A fee of twenty dollars must be charged for filing a will only,
20 when no probate of the will is contemplated.

21 (7) A fee of two dollars must be charged for filing a petition,
22 written agreement, or written memorandum in a nonjudicial probate
23 dispute under RCW 11.96A.220.

24 (8) A fee of thirty-five dollars must be charged for filing a
25 petition regarding a common law lien under RCW 60.70.060.

26 (9) For certification of delinquent taxes by a county treasurer
27 under RCW 84.64.190, a fee of five dollars must be charged.

28 (10) For the filing of a tax warrant for unpaid taxes or
29 overpayment of benefits by any agency of the state of Washington, a fee
30 of five dollars on or after July 22, 2001, and for the filing of such
31 a tax warrant or overpayment of benefits on or after July 1, 2003, a
32 fee of twenty dollars, of which forty-six percent of the first five
33 dollars is directed to the (~~public safety and education account~~
34 ~~established under RCW 43.08.250~~) state general fund.

35 **Sec. 15.** RCW 36.18.020 and 2000 c 9 s 1 are each amended to read
36 as follows:

37 (1) Revenue collected under this section is subject to division

1 with the state (~~(public safety and education account)~~) under RCW
2 36.18.025 and with the county or regional law library fund under RCW
3 27.24.070.

4 (2) Clerks of superior courts shall collect the following fees for
5 their official services:

6 (a) The party filing the first or initial paper in any civil
7 action, including, but not limited to an action for restitution,
8 adoption, or change of name, shall pay, at the time the paper is filed,
9 a fee of one hundred ten dollars except, in an unlawful detainer action
10 under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a
11 case initiating filing fee of thirty dollars, or in proceedings filed
12 under RCW 28A.225.030 alleging a violation of the compulsory attendance
13 laws where the petitioner shall not pay a filing fee. The thirty
14 dollar filing fee under this subsection for an unlawful detainer action
15 shall not include an order to show cause or any other order or judgment
16 except a default order or default judgment in an unlawful detainer
17 action.

18 (b) Any party, except a defendant in a criminal case, filing the
19 first or initial paper on an appeal from a court of limited
20 jurisdiction or any party on any civil appeal, shall pay, when the
21 paper is filed, a fee of one hundred ten dollars.

22 (c) For filing of a petition for judicial review as required under
23 RCW 34.05.514 a filing fee of one hundred ten dollars.

24 (d) For filing of a petition for unlawful harassment under RCW
25 10.14.040 a filing fee of forty-one dollars.

26 (e) For filing the notice of debt due for the compensation of a
27 crime victim under RCW 7.68.120(2)(a) a fee of one hundred ten dollars.

28 (f) In probate proceedings, the party instituting such proceedings,
29 shall pay at the time of filing the first paper therein, a fee of one
30 hundred ten dollars.

31 (g) For filing any petition to contest a will admitted to probate
32 or a petition to admit a will which has been rejected, or a petition
33 objecting to a written agreement or memorandum as provided in RCW
34 11.96A.220, there shall be paid a fee of one hundred ten dollars.

35 (h) Upon conviction or plea of guilty, upon failure to prosecute an
36 appeal from a court of limited jurisdiction as provided by law, or upon
37 affirmance of a conviction by a court of limited jurisdiction, a

1 defendant in a criminal case shall be liable for a fee of one hundred
2 ten dollars.

3 (i) With the exception of demands for jury hereafter made and
4 garnishments hereafter issued, civil actions and probate proceedings
5 filed prior to midnight, July 1, 1972, shall be completed and governed
6 by the fee schedule in effect as of January 1, 1972: PROVIDED, That no
7 fee shall be assessed if an order of dismissal on the clerk's record be
8 filed as provided by rule of the supreme court.

9 (3) No fee shall be collected when a petition for relinquishment of
10 parental rights is filed pursuant to RCW 26.33.080 or for forms and
11 instructional brochures provided under RCW 26.50.030.

12 **Sec. 16.** RCW 36.18.025 and 2001 c 146 s 3 are each amended to read
13 as follows:

14 Forty-six percent of the money received from filing fees paid
15 pursuant to RCW 36.18.020, except those collected for the filing of
16 warrants for unpaid taxes or overpayments by state agencies as outlined
17 in RCW 36.18.012(10), shall be transmitted by the county treasurer each
18 month to the state treasurer for deposit in the (~~(public safety and~~
19 ~~education account established under RCW 43.08.250)) state general fund.~~

20 **Sec. 17.** RCW 43.17.150 and 1986 c 246 s 1 are each amended to read
21 as follows:

22 (1) Each state agency is authorized to receive property or money
23 made available by the attorney general of the United States under
24 section 881(e) of Title 21 of the United States Code and, except as
25 required to the contrary under subsection (2) of this section, to use
26 the property or spend the money for such purposes as are permitted
27 under both federal law and the state law specifying the powers and
28 duties of the agency.

29 (2) Unless precluded by federal law, all funds received by a state
30 agency under section 881(e) of Title 21 of the United States Code shall
31 be promptly deposited into the (~~(public safety and education account~~
32 ~~established in RCW 43.08.250)) state general fund.~~

33 **Sec. 18.** RCW 46.61.5058 and 1998 c 207 s 2 are each amended to
34 read as follows:

35 (1) Upon the arrest of a person or upon the filing of a complaint,

1 citation, or information in a court of competent jurisdiction, based
2 upon probable cause to believe that a person has violated RCW 46.61.502
3 or 46.61.504 or any similar municipal ordinance, if such person has a
4 prior offense within seven years as defined in RCW 46.61.5055, and
5 where the person has been provided written notice that any transfer,
6 sale, or encumbrance of such person's interest in the vehicle over
7 which that person was actually driving or had physical control when the
8 violation occurred, is unlawful pending either acquittal, dismissal,
9 sixty days after conviction, or other termination of the charge, such
10 person shall be prohibited from encumbering, selling, or transferring
11 his or her interest in such vehicle, except as otherwise provided in
12 (a), (b), and (c) of this subsection, until either acquittal,
13 dismissal, sixty days after conviction, or other termination of the
14 charge. The prohibition against transfer of title shall not be stayed
15 pending the determination of an appeal from the conviction.

16 (a) A vehicle encumbered by a bona fide security interest may be
17 transferred to the secured party or to a person designated by the
18 secured party;

19 (b) A leased or rented vehicle may be transferred to the lessor,
20 rental agency, or to a person designated by the lessor or rental
21 agency; and

22 (c) A vehicle may be transferred to a third party or a vehicle
23 dealer who is a bona fide purchaser or may be subject to a bona fide
24 security interest in the vehicle unless it is established that (i) in
25 the case of a purchase by a third party or vehicle dealer, such party
26 or dealer had actual notice that the vehicle was subject to the
27 prohibition prior to the purchase, or (ii) in the case of a security
28 interest, the holder of the security interest had actual notice that
29 the vehicle was subject to the prohibition prior to the encumbrance of
30 title.

31 (2) On conviction for a violation of either RCW 46.61.502 or
32 46.61.504 or any similar municipal ordinance where the person convicted
33 has a prior offense within seven years as defined in RCW 46.61.5055,
34 the motor vehicle the person was driving or over which the person had
35 actual physical control at the time of the offense, if the person has
36 a financial interest in the vehicle, is subject to seizure and
37 forfeiture pursuant to this section.

1 (3) A vehicle subject to forfeiture under this chapter may be
2 seized by a law enforcement officer of this state upon process issued
3 by a court of competent jurisdiction. Seizure of a vehicle may be made
4 without process if the vehicle subject to seizure has been the subject
5 of a prior judgment in favor of the state in a forfeiture proceeding
6 based upon this section.

7 (4) Seizure under subsection (3) of this section automatically
8 commences proceedings for forfeiture. The law enforcement agency under
9 whose authority the seizure was made shall cause notice of the seizure
10 and intended forfeiture of the seized vehicle to be served within
11 fifteen days after the seizure on the owner of the vehicle seized, on
12 the person in charge of the vehicle, and on any person having a known
13 right or interest in the vehicle, including a community property
14 interest. The notice of seizure may be served by any method authorized
15 by law or court rule, including but not limited to service by certified
16 mail with return receipt requested. Service by mail is complete upon
17 mailing within the fifteen-day period after the seizure. Notice of
18 seizure in the case of property subject to a security interest that has
19 been perfected on a certificate of title shall be made by service upon
20 the secured party or the secured party's assignee at the address shown
21 on the financing statement or the certificate of title.

22 (5) If no person notifies the seizing law enforcement agency in
23 writing of the person's claim of ownership or right to possession of
24 the seized vehicle within forty-five days of the seizure, the vehicle
25 is deemed forfeited.

26 (6) If a person notifies the seizing law enforcement agency in
27 writing of the person's claim of ownership or right to possession of
28 the seized vehicle within forty-five days of the seizure, the law
29 enforcement agency shall give the person or persons a reasonable
30 opportunity to be heard as to the claim or right. The hearing shall be
31 before the chief law enforcement officer of the seizing agency or the
32 chief law enforcement officer's designee, except where the seizing
33 agency is a state agency as defined in RCW 34.12.020, the hearing shall
34 be before the chief law enforcement officer of the seizing agency or an
35 administrative law judge appointed under chapter 34.12 RCW, except that
36 any person asserting a claim or right may remove the matter to a court
37 of competent jurisdiction. Removal may only be accomplished according
38 to the rules of civil procedure. The person seeking removal of the

1 matter must serve process against the state, county, political
2 subdivision, or municipality that operates the seizing agency, and any
3 other party of interest, in accordance with RCW 4.28.080 or 4.92.020,
4 within forty-five days after the person seeking removal has notified
5 the seizing law enforcement agency of the person's claim of ownership
6 or right to possession. The court to which the matter is to be removed
7 shall be the district court when the aggregate value of the vehicle is
8 within the jurisdictional limit set forth in RCW 3.66.020. A hearing
9 before the seizing agency and any appeal therefrom shall be under Title
10 34 RCW. In a court hearing between two or more claimants to the
11 vehicle involved, the prevailing party shall be entitled to a judgment
12 for costs and reasonable attorneys' fees. The burden of producing
13 evidence shall be upon the person claiming to be the legal owner or the
14 person claiming to have the lawful right to possession of the vehicle.
15 The seizing law enforcement agency shall promptly return the vehicle to
16 the claimant upon a determination by the administrative law judge or
17 court that the claimant is the present legal owner under Title 46 RCW
18 or is lawfully entitled to possession of the vehicle.

19 (7) When a vehicle is forfeited under this chapter the seizing law
20 enforcement agency may sell the vehicle, retain it for official use, or
21 upon application by a law enforcement agency of this state release the
22 vehicle to that agency for the exclusive use of enforcing this title;
23 provided, however, that the agency shall first satisfy any bona fide
24 security interest to which the vehicle is subject under subsection
25 (1)(a) or (c) of this section.

26 (8) When a vehicle is forfeited, the seizing agency shall keep a
27 record indicating the identity of the prior owner, if known, a
28 description of the vehicle, the disposition of the vehicle, the value
29 of the vehicle at the time of seizure, and the amount of proceeds
30 realized from disposition of the vehicle.

31 (9) Each seizing agency shall retain records of forfeited vehicles
32 for at least seven years.

33 (10) Each seizing agency shall file a report including a copy of
34 the records of forfeited vehicles with the state treasurer each
35 calendar quarter.

36 (11) The quarterly report need not include a record of a forfeited
37 vehicle that is still being held for use as evidence during the

1 investigation or prosecution of a case or during the appeal from a
2 conviction.

3 (12) By January 31st of each year, each seizing agency shall remit
4 to the state treasurer an amount equal to ten percent of the net
5 proceeds of vehicles forfeited during the preceding calendar year.
6 Money remitted shall be deposited in the (~~public safety and education~~
7 ~~account~~) state general fund.

8 (13) The net proceeds of a forfeited vehicle is the value of the
9 forfeitable interest in the vehicle after deducting the cost of
10 satisfying a bona fide security interest to which the vehicle is
11 subject at the time of seizure; and in the case of a sold vehicle,
12 after deducting the cost of sale, including reasonable fees or
13 commissions paid to independent selling agents.

14 (14) The value of a sold forfeited vehicle is the sale price. The
15 value of a retained forfeited vehicle is the fair market value of the
16 vehicle at the time of seizure, determined when possible by reference
17 to an applicable commonly used index, such as the index used by the
18 department of licensing. A seizing agency may, but need not, use an
19 independent qualified appraiser to determine the value of retained
20 vehicles. If an appraiser is used, the value of the vehicle appraised
21 is net of the cost of the appraisal.

22 **Sec. 19.** RCW 77.12.201 and 1987 c 506 s 29 are each amended to
23 read as follows:

24 The legislative authority of a county may elect, by giving written
25 notice to the director and the treasurer prior to January 1st of any
26 year, to obtain for the following year an amount in lieu of real
27 property taxes on game lands as provided in RCW 77.12.203. Upon the
28 election, the county shall keep a record of all fines, forfeitures,
29 reimbursements, and costs assessed and collected, in whole or in part,
30 under this title for violations of law or rules adopted pursuant to
31 this title and shall monthly remit an amount equal to the amount
32 collected to the state treasurer for deposit in the (~~public safety and~~
33 ~~education account established under RCW 43.08.250~~) state general fund.
34 The election shall continue until the department is notified
35 differently prior to January 1st of any year.

1 **Sec. 20.** RCW 77.15.420 and 1998 c 190 s 62 are each amended to
2 read as follows:

3 (1) If a person is convicted of violating RCW 77.15.410 and that
4 violation results in the death of wildlife listed in this section, the
5 court shall require payment of the following amounts for each animal
6 killed or possessed. This shall be a criminal wildlife penalty
7 assessment that shall be paid to the clerk of the court and distributed
8 each month to the state treasurer for deposit in the ((~~public safety~~
9 ~~and education account~~)) state general fund.

- 10 (a) Moose, mountain sheep, mountain goat, and
11 all wildlife species classified as
12 endangered by rule of the commission,
13 except for mountain caribou and grizzly
14 bear as listed under (d) of this subsection . \$4,000
15 (b) Elk, deer, black bear, and cougar \$2,000
16 (c) Trophy animal elk and deer \$6,000
17 (d) Mountain caribou, grizzly bear, and trophy
18 animal mountain sheep \$12,000

19 (2) No forfeiture of bail may be less than the amount of the bail
20 established for hunting during closed season plus the amount of the
21 criminal wildlife penalty assessment in subsection (1) of this section.

22 (3) For the purpose of this section a "trophy animal" is:

23 (a) A buck deer with four or more antler points on both sides, not
24 including eyeguards;

25 (b) A bull elk with five or more antler points on both sides, not
26 including eyeguards; or

27 (c) A mountain sheep with a horn curl of three-quarter curl or
28 greater.

29 For purposes of this subsection, "eyeguard" means an antler
30 protrusion on the main beam of the antler closest to the eye of the
31 animal.

32 (4) If two or more persons are convicted of illegally possessing
33 wildlife in subsection (1) of this section, the criminal wildlife
34 penalty assessment shall be imposed on them jointly and separately.

35 (5) The criminal wildlife penalty assessment shall be imposed
36 regardless of and in addition to any sentence, fines, or costs
37 otherwise provided for violating any provision of this title. The

1 criminal wildlife penalty assessment shall be included by the court in
2 any pronouncement of sentence and may not be suspended, waived,
3 modified, or deferred in any respect. This section may not be
4 construed to abridge or alter alternative rights of action or remedies
5 in equity or under common law or statutory law, criminal or civil.

6 (6) A defaulted criminal wildlife penalty assessment may be
7 collected by any means authorized by law for the enforcement of orders
8 of the court or collection of a fine or costs, including but not
9 limited to vacation of a deferral of sentencing or vacation of a
10 suspension of sentence.

11 (7) A person assessed a criminal wildlife penalty assessment under
12 this section shall have his or her hunting license revoked and all
13 hunting privileges suspended until the penalty assessment is paid
14 through the registry of the court in which the penalty assessment was
15 assessed.

16 **Sec. 21.** RCW 72.09.111 and 2004 c 167 s 7 are each amended to read
17 as follows:

18 (1) The secretary shall deduct taxes and legal financial
19 obligations from the gross wages, gratuities, or workers' compensation
20 benefits payable directly to the inmate under chapter 51.32 RCW, of
21 each inmate working in correctional industries work programs, or
22 otherwise receiving such wages, gratuities, or benefits. The secretary
23 shall also deduct child support payments from the gratuities of each
24 inmate working in class II through class IV correctional industries
25 work programs. The secretary shall develop a formula for the
26 distribution of offender wages, gratuities, and benefits. The formula
27 shall not reduce the inmate account below the indigency level, as
28 defined in RCW 72.09.015.

29 (a) The formula shall include the following minimum deductions from
30 class I gross wages and from all others earning at least minimum wage:

- 31 (i) Five percent to the (~~public safety and education account~~)
32 state general fund for the purpose of crime victims' compensation;
33 (ii) Ten percent to a department personal inmate savings account;
34 (iii) Twenty percent to the department to contribute to the cost of
35 incarceration; and
36 (iv) Twenty percent for payment of legal financial obligations for

1 all inmates who have legal financial obligations owing in any
2 Washington state superior court.

3 (b) The formula shall include the following minimum deductions from
4 class II gross gratuities:

5 (i) Five percent to the ((~~public safety and education account~~))
6 state general fund for the purpose of crime victims' compensation;
7 (ii) Ten percent to a department personal inmate savings account;
8 (iii) Fifteen percent to the department to contribute to the cost
9 of incarceration;

10 (iv) Twenty percent for payment of legal financial obligations for
11 all inmates who have legal financial obligations owing in any
12 Washington state superior court; and

13 (v) Fifteen percent for any child support owed under a support
14 order.

15 (c) The formula shall include the following minimum deductions from
16 any workers' compensation benefits paid pursuant to RCW 51.32.080:

17 (i) Five percent to the ((~~public safety and education account~~))
18 state general fund for the purpose of crime victims' compensation;
19 (ii) Ten percent to a department personal inmate savings account;
20 (iii) Twenty percent to the department to contribute to the cost of
21 incarceration; and

22 (iv) An amount equal to any legal financial obligations owed by the
23 inmate established by an order of any Washington state superior court
24 up to the total amount of the award.

25 (d) The formula shall include the following minimum deductions from
26 class III gratuities:

27 (i) Five percent for the purpose of crime victims' compensation;
28 and

29 (ii) Fifteen percent for any child support owed under a support
30 order.

31 (e) The formula shall include the following minimum deduction from
32 class IV gross gratuities:

33 (i) Five percent to the department to contribute to the cost of
34 incarceration; and

35 (ii) Fifteen percent for any child support owed under a support
36 order.

37 (2) Any person sentenced to life imprisonment without possibility

1 of release or parole under chapter 10.95 RCW or sentenced to death
2 shall be exempt from the requirement under subsection (1)(a)(ii),
3 (b)(ii), or (c)(ii).

4 (3) The department personal inmate savings account, together with
5 any accrued interest, shall only be available to an inmate at the time
6 of his or her release from confinement, unless the secretary determines
7 that an emergency exists for the inmate, at which time the funds can be
8 made available to the inmate in an amount determined by the secretary.
9 The management of classes I, II, and IV correctional industries may
10 establish an incentive payment for offender workers based on
11 productivity criteria. This incentive shall be paid separately from
12 the hourly wage/gratuity rate and shall not be subject to the specified
13 deduction for cost of incarceration.

14 (4)(a) Subject to availability of funds for the correctional
15 industries program, the expansion of inmate employment in class I and
16 class II correctional industries shall be implemented according to the
17 following schedule:

18 (i) Not later than June 30, 2005, the secretary shall achieve a net
19 increase of at least two hundred in the number of inmates employed in
20 class I or class II correctional industries work programs above the
21 number so employed on June 30, 2003;

22 (ii) Not later than June 30, 2006, the secretary shall achieve a
23 net increase of at least four hundred in the number of inmates employed
24 in class I or class II correctional industries work programs above the
25 number so employed on June 30, 2003;

26 (iii) Not later than June 30, 2007, the secretary shall achieve a
27 net increase of at least six hundred in the number of inmates employed
28 in class I or class II correctional industries work programs above the
29 number so employed on June 30, 2003;

30 (iv) Not later than June 30, 2008, the secretary shall achieve a
31 net increase of at least nine hundred in the number of inmates employed
32 in class I or class II correctional industries work programs above the
33 number so employed on June 30, 2003;

34 (v) Not later than June 30, 2009, the secretary shall achieve a net
35 increase of at least one thousand two hundred in the number of inmates
36 employed in class I or class II correctional industries work programs
37 above the number so employed on June 30, 2003;

1 (vi) Not later than June 30, 2010, the secretary shall achieve a
2 net increase of at least one thousand five hundred in the number of
3 inmates employed in class I or class II correctional industries work
4 programs above the number so employed on June 30, 2003.

5 (b) Failure to comply with the schedule in this subsection does not
6 create a private right of action.

7 (5) In the event that the offender worker's wages, gratuity, or
8 workers' compensation benefit is subject to garnishment for support
9 enforcement, the crime victims' compensation, savings, and cost of
10 incarceration deductions shall be calculated on the net wages after
11 taxes, legal financial obligations, and garnishment.

12 (6) The department shall explore other methods of recovering a
13 portion of the cost of the inmate's incarceration and for encouraging
14 participation in work programs, including development of incentive
15 programs that offer inmates benefits and amenities paid for only from
16 wages earned while working in a correctional industries work program.

17 (7) The department shall develop the necessary administrative
18 structure to recover inmates' wages and keep records of the amount
19 inmates pay for the costs of incarceration and amenities. All funds
20 deducted from inmate wages under subsection (1) of this section for the
21 purpose of contributions to the cost of incarceration shall be
22 deposited in a dedicated fund with the department and shall be used
23 only for the purpose of enhancing and maintaining correctional
24 industries work programs.

25 (8) It shall be in the discretion of the secretary to apportion the
26 inmates between class I and class II depending on available contracts
27 and resources.

28 (9) Nothing in this section shall limit the authority of the
29 department of social and health services division of child support from
30 taking collection action against an inmate's moneys, assets, or
31 property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

32 **Sec. 22.** RCW 72.09.480 and 2003 c 271 s 3 are each amended to read
33 as follows:

34 (1) Unless the context clearly requires otherwise, the definitions
35 in this section apply to this section.

36 (a) "Cost of incarceration" means the cost of providing an inmate
37 with shelter, food, clothing, transportation, supervision, and other

1 services and supplies as may be necessary for the maintenance and
2 support of the inmate while in the custody of the department, based on
3 the average per inmate costs established by the department and the
4 office of financial management.

5 (b) "Minimum term of confinement" means the minimum amount of time
6 an inmate will be confined in the custody of the department,
7 considering the sentence imposed and adjusted for the total potential
8 earned early release time available to the inmate.

9 (c) "Program" means any series of courses or classes necessary to
10 achieve a proficiency standard, certificate, or postsecondary degree.

11 (2) When an inmate, except as provided in subsection (7) of this
12 section, receives any funds in addition to his or her wages or
13 gratuities, except settlements or awards resulting from legal action,
14 the additional funds shall be subject to the following deductions and
15 the priorities established in chapter 72.11 RCW:

16 (a) Five percent to the (~~public safety and education account~~)
17 state general fund for the purpose of crime victims' compensation;

18 (b) Ten percent to a department personal inmate savings account;

19 (c) Twenty percent to the department to contribute to the cost of
20 incarceration;

21 (d) Twenty percent for payment of legal financial obligations for
22 all inmates who have legal financial obligations owing in any
23 Washington state superior court; and

24 (e) Fifteen percent for any child support owed under a support
25 order.

26 (3) When an inmate, except as provided in subsection (7) of this
27 section, receives any funds from a settlement or award resulting from
28 a legal action, the additional funds shall be subject to the deductions
29 in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11
30 RCW.

31 (4) The amount deducted from an inmate's funds under subsection (2)
32 of this section shall not exceed the department's total cost of
33 incarceration for the inmate incurred during the inmate's minimum or
34 actual term of confinement, whichever is longer.

35 (5) The deductions required under subsection (2) of this section
36 shall not apply to funds received by the department on behalf of an
37 offender for payment of one fee-based education or vocational program

1 that is associated with an inmate's work program or a placement
2 decision made by the department under RCW 72.09.460 to prepare an
3 inmate for work upon release.

4 An inmate may, prior to the completion of the fee-based education
5 or vocational program authorized under this subsection, apply to a
6 person designated by the secretary for permission to make a change in
7 his or her program. The secretary, or his or her designee, may approve
8 the application based solely on the following criteria: (a) The inmate
9 has been transferred to another institution by the department for
10 reasons unrelated to education or a change to a higher security
11 classification and the offender's current program is unavailable in the
12 offender's new placement; (b) the inmate entered an academic program as
13 an undeclared major and wishes to declare a major. No inmate may apply
14 for more than one change to his or her major and receive the exemption
15 from deductions specified in this subsection; (c) the educational or
16 vocational institution is terminating the inmate's current program; or
17 (d) the offender's training or education has demonstrated that the
18 current program is not the appropriate program to assist the offender
19 to achieve a placement decision made by the department under RCW
20 72.09.460 to prepare the inmate for work upon release.

21 (6) The deductions required under subsection (2) of this section
22 shall not apply to any money received by the department, on behalf of
23 an inmate, from family or other outside sources for the payment of
24 postage expenses. Money received under this subsection may only be
25 used for the payment of postage expenses and may not be transferred to
26 any other account or purpose. Money that remains unused in the
27 inmate's postage fund at the time of release shall be subject to the
28 deductions outlined in subsection (2) of this section.

29 (7) When an inmate sentenced to life imprisonment without
30 possibility of release or parole, or to death under chapter 10.95 RCW,
31 receives any funds in addition to his or her gratuities, except
32 settlements or awards resulting from legal action, the additional funds
33 shall be subject to: Deductions of five percent to the (~~public safety~~
34 ~~and education account~~)) state general fund for the purpose of crime
35 victims' compensation, twenty percent to the department to contribute
36 to the cost of incarceration, and fifteen percent to child support
37 payments.

1 (8) When an inmate sentenced to life imprisonment without
2 possibility of release or parole, or to death under chapter 10.95 RCW,
3 receives any funds from a settlement or award resulting from a legal
4 action in addition to his or her gratuities, the additional funds shall
5 be subject to: Deductions of five percent to the (~~public safety and~~
6 ~~education account~~) state general fund for the purpose of crime
7 victims' compensation and twenty percent to the department to
8 contribute to the cost of incarceration.

9 (9) The interest earned on an inmate savings account created as a
10 result of the plan in section 4, chapter 325, Laws of 1999 shall be
11 exempt from the mandatory deductions under this section and RCW
12 72.09.111.

13 (10) Nothing in this section shall limit the authority of the
14 department of social and health services division of child support from
15 taking collection action against an inmate's moneys, assets, or
16 property pursuant to chapter 26.23, 74.20, or 74.20A RCW including, but
17 not limited to, the collection of moneys received by the inmate from
18 settlements or awards resulting from legal action.

19 **Sec. 23.** RCW 43.99H.040 and 1997 c 456 s 20 are each amended to
20 read as follows:

21 (1) Both principal of and interest on the bonds issued for the
22 purposes of RCW 43.99H.020(16) shall be payable from the nondebt-limit
23 reimbursable bond retirement account.

24 The state finance committee shall, on or before June 30th of each
25 year, certify to the state treasurer the amount required to provide for
26 the payment of principal and interest on such bonds during the ensuing
27 fiscal year in accordance with the provisions of the bond proceedings.
28 The state treasurer shall withdraw from any general state revenues
29 received in the state treasury and deposit in the nondebt-limit
30 reimbursable bond retirement account such amounts and at such times as
31 are required by the bond proceedings.

32 (2) Both principal of and interest on the bonds issued for the
33 purposes of RCW 43.99H.020(15) shall be payable from the debt-limit
34 reimbursable bond retirement account and nondebt-limit reimbursable
35 bond retirement account as set forth under RCW 43.99H.060(2).

36 The state finance committee shall, on or before June 30th of each
37 year, certify to the state treasurer the amount required to provide for

1 the payment of principal and interest on such bonds during the ensuing
2 fiscal year in accordance with the provisions of the bond proceedings.
3 The state treasurer shall withdraw from any general state revenues
4 received in the state treasury and deposit in the debt-limit
5 reimbursable bond retirement account and nondebt-limit reimbursable
6 bond retirement account as set forth under RCW 43.99H.060(2) such
7 amounts and at such times as are required by the bond proceedings.

8 (3) Both principal of and interest on the bonds issued for the
9 purposes of RCW 43.99H.020(17) shall be payable from the nondebt-limit
10 proprietary appropriated bond retirement account.

11 The state finance committee shall, on or before June 30th of each
12 year, certify to the state treasurer the amount required to provide for
13 the payment of principal and interest on such bonds during the ensuing
14 fiscal year in accordance with the provisions of the bond proceedings.
15 The state treasurer shall withdraw from any general state revenues
16 received in the state treasury and deposit in the nondebt-limit
17 proprietary appropriated bond retirement account such amounts and at
18 such times as are required by the bond proceedings.

19 (4) Both principal of and interest on the bonds issued for the
20 purposes of RCW 43.99H.020(18) shall be payable from the nondebt-limit
21 reimbursable bond retirement account.

22 The state finance committee shall, on or before June 30th of each
23 year, certify to the state treasurer the amount required to provide for
24 the payment of principal and interest on such bonds during the ensuing
25 fiscal year in accordance with the provisions of the bond proceedings.
26 The state treasurer shall withdraw from any general state revenues
27 received in the state treasury and deposit in the nondebt-limit
28 reimbursable bond retirement account such amounts and at such times as
29 are required by the bond proceedings.

30 (5) Both principal of and interest on the bonds issued for the
31 purposes of RCW 43.99H.020(20) shall be payable from the (~~nondebt-~~
32 ~~limit reimbursable~~) debt-limit general fund bond retirement account.

33 The state finance committee shall, on or before June 30th of each
34 year, certify to the state treasurer the amount required to provide for
35 the payment of principal and interest on such bonds during the ensuing
36 fiscal year in accordance with the provisions of the bond proceedings.
37 The state treasurer shall withdraw from any general state revenues

1 received in the state treasury and deposit in the nondebt-limit
2 reimbursable bond retirement account such amounts and at such times as
3 are required by the bond proceedings.

4 (6) Both principal of and interest on the bonds issued for the
5 purposes of RCW 43.99H.020(4) shall be payable from the nondebt-limit
6 general fund bond retirement account.

7 The state finance committee shall, on or before June 30th of each
8 year, certify to the state treasurer the amount required to provide for
9 the payment of principal and interest on such bonds during the ensuing
10 fiscal year in accordance with the provisions of the bond proceedings.
11 The state treasurer shall withdraw from any general state revenues
12 received in the state treasury and deposit in the nondebt-limit general
13 fund bond retirement account such amounts and at such times as are
14 required by the bond proceedings.

15 **Sec. 24.** RCW 43.99H.060 and 1991 sp.s. c 31 s 15 are each amended
16 to read as follows:

17 (1) For bonds issued for the purposes of RCW 43.99H.020(16), on
18 each date on which any interest or principal and interest payment is
19 due, the board of regents or the board of trustees of Washington State
20 University shall cause the amount computed in RCW 43.99H.040(1) to be
21 paid out of the appropriate building account or capital projects
22 account to the state treasurer for deposit into the general fund of the
23 state treasury.

24 (2) For bonds issued for the purposes of RCW 43.99H.020(15), on
25 each date on which any interest or principal and interest payment is
26 due, the state treasurer shall transfer the amount computed in RCW
27 43.99H.040(2) from the capitol campus reserve account, hereby created
28 in the state treasury, to the general fund of the state treasury. At
29 the time of sale of the bonds issued for the purposes of RCW
30 43.99H.020(15), and on or before June 30th of each succeeding year
31 while such bonds remain outstanding, the state finance committee shall
32 determine, based on current balances and estimated receipts and
33 expenditures from the capitol campus reserve account, that portion of
34 principal and interest on such RCW 43.99H.020(15) bonds which will, by
35 virtue of payments from the capitol campus reserve account, be
36 reimbursed from sources other than "general state revenues" as that
37 term is defined in Article VIII, section 1 of the state Constitution.

1 The amount so determined by the state finance committee, as from time
2 to time adjusted in accordance with this subsection, shall not
3 constitute indebtedness for purposes of the limitations set forth in
4 RCW 39.42.060.

5 (3) For bonds issued for the purposes of RCW 43.99H.020(17), on
6 each date on which any interest or principal and interest payment is
7 due, the director of the department of labor and industries shall cause
8 fifty percent of the amount computed in RCW 43.99H.040(3) to be
9 transferred from the accident fund created in RCW 51.44.010 and fifty
10 percent of the amount computed in RCW 43.99H.040(3) to be transferred
11 from the medical aid fund created in RCW 51.44.020, to the general fund
12 of the state treasury.

13 (4) For bonds issued for the purposes of RCW 43.99H.020(18), on
14 each date on which any interest or principal and interest payment is
15 due, the board of regents of the University of Washington shall cause
16 the amount computed in RCW 43.99H.040(4) to be paid out of University
17 of Washington nonappropriated local funds to the state treasurer for
18 deposit into the general fund of the state treasury.

19 ~~(5) ((For bonds issued for the purposes of RCW 43.99H.020(20), on
20 each date on which any interest or principal and interest payment is
21 due, the state treasurer shall transfer the amount computed in RCW
22 43.99H.040(5) from the public safety and education account created in
23 RCW 43.08.250 to the general fund of the state treasury.~~

24 ~~(6))~~ For bonds issued for the purposes of RCW 43.99H.020(4), on
25 each date on which any interest or principal and interest payment is
26 due, the state treasurer shall transfer from property taxes in the
27 state general fund levied for the support of the common schools under
28 RCW 84.52.065 to the general fund of the state treasury for
29 unrestricted use the amount computed in RCW 43.99H.040(6).

30 **Sec. 25.** RCW 43.99K.030 and 1997 c 456 s 23 are each amended to
31 read as follows:

32 (1)(a) The debt-limit general fund bond retirement account shall be
33 used for the payment of the principal of and interest on the bonds
34 authorized in RCW 43.99K.020 (1), (2), and (3).

35 (b) The debt-limit ~~((reimbursable))~~ general fund bond retirement
36 account shall be used for the payment of the principal of and interest
37 on the bonds authorized in RCW 43.99K.020(4).

1 (c) The nondebt-limit reimbursable bond retirement account shall be
2 used for the payment of the principal of and interest on the bonds
3 authorized in RCW 43.99K.020(5).

4 (2) The state finance committee shall, on or before June 30th of
5 each year, certify to the state treasurer the amount needed in the
6 ensuing twelve months to meet the bond retirement and interest
7 requirements. Not less than thirty days prior to the date on which any
8 interest or principal and interest payment is due, the state treasurer
9 shall withdraw from any general state revenues received in the state
10 treasury and deposit in the debt-limit general fund bond retirement
11 account, debt-limit reimbursable bond retirement account, nondebt-limit
12 reimbursable bond retirement account, as necessary, an amount equal to
13 the amount certified by the state finance committee to be due on the
14 payment date.

15 ~~((On each date on which any interest or principal and interest
16 payment is due on bonds issued for the purposes of RCW 43.99K.020(4),
17 the state treasurer shall transfer from the public safety and education
18 account to the general fund of the state treasury the amount computed
19 in subsection (2) of this section for the bonds issued for the purposes
20 of RCW 43.99K.020(4).~~

21 ~~(4))~~ On each date on which any interest or principal and interest
22 payment is due on bonds issued for the purposes of RCW 43.99K.020(5),
23 the board of regents of the University of Washington shall cause to be
24 paid out of University of Washington nonappropriated local funds to the
25 state treasurer for deposit into the general fund of the state treasury
26 the amount computed in subsection (2) of this section for bonds issued
27 for the purposes of RCW 43.99K.020(5).

28 ~~((+5))~~ (4) Bonds issued under this section and RCW 43.99K.010 and
29 43.99K.020 shall state that they are a general obligation of the state
30 of Washington, shall pledge the full faith and credit of the state to
31 the payment of the principal thereof and the interest thereon, and
32 shall contain an unconditional promise to pay the principal and
33 interest as the same shall become due.

34 ~~((+6))~~ (5) The owner and holder of each of the bonds or the
35 trustee for the owner and holder of any of the bonds may by mandamus or
36 other appropriate proceeding require the transfer and payment of funds
37 as directed in this section.

1 NEW SECTION. **Sec. 26.** RCW 43.08.250 (Public safety and education
2 account--Use) and 2003 1st sp.s. c 25 s 918 are each repealed.

3 NEW SECTION. **Sec. 27.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and takes effect
6 July 1, 2005.

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