

HOUSE BILL 2427

State of Washington 54th Legislature 1996 Regular Session

By Representatives Scheuerman, Rust, Scott, Wolfe, Murray, Dickerson, Chopp and Costa

Read first time 01/10/96. Referred to Committee on Appropriations.

1 AN ACT Relating to funds provided for the benefit of counties and
2 cities planning under the growth management act; and amending 1995 2nd
3 sp.s. c 18 s 126 (uncodified).

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

5 Sec. 1. 1995 2nd sp.s. c 18 s 126 (uncodified) is amended to read
6 as follows:

7 FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND
8 ECONOMIC DEVELOPMENT

Table with 2 columns: Description and Amount. Rows include General Fund*State Appropriation (FY 1996) \$ 48,627,000, General Fund*State Appropriation (FY 1997) \$ ((47,328,000)), General Fund*Federal Appropriation \$ 147,991,000, General Fund*Private/Local Appropriation \$ 1,676,000, Public Safety and Education Account Appropriation \$ 8,764,000, Waste Reduction, Recycling, and Litter Control Account Appropriation \$ 2,006,000, Washington Marketplace Program Account Appropriation \$ 150,000.

1	Public Works Assistance Account		
2	Appropriation	\$	1,068,000
3	Building Code Council Account		
4	Appropriation	\$	1,289,000
5	Administrative Contingency Account		
6	Appropriation	\$	1,776,000
7	Low-Income Weatherization Assistance Account		
8	Appropriation	\$	923,000
9	Violence Reduction and Drug Enforcement Account		
10	Appropriation	\$	6,027,000
11	Manufactured Home Installation Training Account		
12	Appropriation	\$	150,000
13	Washington Housing Trust Account		
14	Appropriation	\$	4,686,000
15	Public Facility Construction Revolving Account		
16	Appropriation	\$	238,000
17	Solid Waste Management Account Appropriation	\$	700,000
18	Growth Management Planning and Environmental		
19	Review Fund Appropriation	\$	3,000,000
20	TOTAL APPROPRIATION	\$	((276,399,000))
21			<u>316,399,000</u>

22 The appropriations in this section are subject to the following
23 conditions and limitations:

24 (1) \$6,065,000 of the general fund«state appropriation is provided
25 solely for a contract with the Washington technology center. For work
26 essential to the mission of the Washington technology center and
27 conducted in partnership with universities, the center shall not pay
28 any increased indirect rate nor increases in other indirect charges
29 above the absolute amount paid during the 1993-95 biennium.

30 (2) \$538,000 of the general fund«state appropriation is provided
31 solely to implement Substitute House Bill No. 1724 (growth management).

32 (3) In order to offset reductions in federal community services
33 block grant funding for community action agencies, the department shall
34 set aside \$4,800,000 of federal community development block grant funds
35 for distribution to local governments to allocate to community action
36 agencies state-wide.

37 (4) \$8,915,000 of the general fund«federal appropriation is
38 provided solely for the drug control and system improvement formula
39 grant program, to be distributed in state fiscal year 1996 as follows:

1 (a) \$3,603,250 to local units of government to continue
2 multijurisdictional drug task forces;

3 (b) \$934,000 to the Washington state patrol for coordination,
4 technical assistance, and investigative and supervisory staff support
5 for multijurisdictional narcotics task forces;

6 (c) \$456,000 to the department to continue the state-wide drug
7 prosecution assistance program;

8 (d) \$93,000 to the department to continue a substance-abuse
9 treatment in jails program, to test the effect of treatment on future
10 criminal behavior;

11 (e) \$744,000 to the department to continue the youth violence
12 prevention and intervention projects;

13 (f) \$240,000 to the department for grants to support tribal law
14 enforcement needs;

15 (g) \$495,000 is provided to the Washington state patrol for a
16 state-wide integrated narcotics system;

17 (h) \$538,000 to the department for grant administration and program
18 evaluation, monitoring, and reporting, pursuant to federal
19 requirements;

20 (i) \$51,000 to the Washington state patrol for data collection;

21 (j) \$445,750 to the office of financial management for the criminal
22 history records improvement program;

23 (k) \$42,000 to the department to support local services to victims
24 of domestic violence;

25 (l) \$300,000 to the department of community, trade, and economic
26 development for domestic violence legal advocacy;

27 (m) \$300,000 to the department of community, trade, and economic
28 development for grants to provide a defender training program; and

29 (n) \$673,000 to the department of corrections for the expansion of
30 correctional industries projects that place inmates in a realistic
31 working and training environment.

32 (5) \$3,960,000 of the public safety and education account
33 appropriation is provided solely for the office of crime victims'
34 advocacy.

35 (6) \$216,000 of the general fund«state appropriation is provided
36 solely to implement Engrossed Substitute House Bill No. 1010
37 (regulatory reform). If the bill is not enacted by June 30, 1995, the
38 amount provided in this subsection shall lapse.

1 (7) \$200,000 of the general fund«state appropriation is provided
2 solely as a grant for the community connections program in Walla Walla
3 county.

4 (8) \$30,000 of the Washington housing trust account appropriation
5 is provided solely for the department to conduct an assessment of the
6 per square foot cost associated with constructing or rehabilitating
7 buildings financed by the housing trust fund for low-income housing.
8 The department may contract with specially trained teams to conduct
9 this assessment. The department shall report to the legislature by
10 December 31, 1995. The report shall include:

11 (a) The per square foot cost of each type of housing unit financed
12 by the housing trust fund;

13 (b) An assessment of the factors that affect the per square foot
14 cost;

15 (c) Recommendations for reducing the per square foot cost, if
16 possible;

17 (d) Guidelines for housing costs per person assisted; and

18 (e) Other relevant information.

19 (9) \$350,000 of the general fund«state appropriation is provided
20 solely for the retired senior volunteer program.

21 (10) \$300,000 of the general fund«state appropriation is provided
22 solely to implement House Bill No. 1687 (court-appointed special
23 advocates). If the bill is not enacted by June 30, 1995, the amount
24 provided in this subsection shall lapse.

25 (11) \$50,000 of the general fund«state appropriation is provided
26 solely for the purpose of a feasibility study of the infrastructure,
27 logistical, and informational needs for the region involving
28 Washington, Oregon, and British Columbia to host the summer Olympic
29 Games in the year 2004 or 2008. The feasibility study shall be
30 conducted using the services of a nonprofit corporation currently
31 pursuing and having shown progress toward this purpose. The amount
32 provided in this subsection may be expended only to the extent that it
33 is matched on a dollar-for-dollar basis by funds for the same purpose
34 from nonstate sources.

35 (12) \$100,000 of the general fund«state appropriation is provided
36 solely as a grant to a nonprofit organization for costs associated with
37 development of the Columbia Breaks Fire Interpretive Center.

1 (13) \$40,000,000 of the general fund«state appropriation for fiscal
2 year 1997 that is added by chapter ..., Laws of 1996 (this act) is
3 provided for the following purposes:

4 (a) \$15,000,000 is provided solely for grants to counties and
5 cities for costs incurred in meeting the requirements of chapter 36.70A
6 RCW and RCW 36.70B.050;

7 (b) \$1,000,000 is provided solely for technical assistance to
8 counties and cities planning under RCW 36.70A.040, including the
9 development of model ordinances for innovative land use techniques; and

10 (c) \$24,000,000 is provided solely to provide geographic
11 information system computer hardware and software, and related staff
12 training, for counties planning under RCW 36.70A.040 that will enable
13 the creation of data on each parcel of property in the county,
14 including its assessed valuation, the applicable land use regulations,
15 structures, and improvements on the parcel, the existence of wetlands,
16 whether the parcel is included in a critical area, and other relevant
17 information. The system for a county shall include a terminal in the
18 planning department and/or building department of the county, and each
19 city in the county, and in the county assessor's office, and provide
20 access to the data by appropriate state agencies.

21 (14) \$100,000 of the general fund«state appropriation is provided
22 solely for the Pierce county long-term care ombudsman program.

23 (15) \$60,000 of the general fund«state appropriation is provided
24 solely for the Pacific Northwest economic region.

25 (16) \$500,000 of the general fund«state appropriation is provided
26 solely for distribution to the city of Burien for analysis of the
27 proposed Port of Seattle third runway including preparation of a draft
28 environmental impact statement and other technical studies. The amount
29 provided in this subsection shall not be expended directly or
30 indirectly for litigation, public relations, or any form of consulting
31 services for the purposes of opposing the construction of the proposed
32 third runway.

33 (17) Not more than \$458,000 of the general fund«state appropriation
34 may be expended for the operation of the Pacific northwest export
35 assistance project. The department will continue to implement a plan
36 for assessing fees for services provided by the project. It is the
37 intent of the legislature that the revenues raised to defray the
38 expenditures of this program will be increased to fifty percent of the
39 expenditures in fiscal year 1996 and seventy-five percent of the

1 expenditures in fiscal year 1997. Beginning in fiscal year 1998, the
2 legislature intends that this program will be fully self-supporting.

3 (18) \$4,804,000 of the public safety and education account
4 appropriation is provided solely for contracts with qualified legal aid
5 programs for civil indigent legal representation pursuant to RCW
6 43.08.260. It is the intent of the legislature to ensure that legal
7 aid programs receiving funds appropriated in this act pursuant to RCW
8 43.08.260 comply with all applicable restrictions on use of these
9 funds. To this end, during the 1995-97 fiscal biennium the department
10 shall monitor compliance with the authorizing legislation, shall
11 oversee the implementation of this subsection, and shall report
12 directly to the appropriations committee of the house of
13 representatives and the ways and means committee of the senate.

14 (a) It is the intent of the legislature to improve communications
15 between legal aid programs and persons affected by the activities of
16 legal aid programs. There is established for the 1995-97 fiscal
17 biennium a task force on agricultural interests/legal aid relations.
18 The task force shall promote better understanding and cooperation
19 between agricultural interests and legal aid programs and shall provide
20 a forum for discussion of issues of common concern. The task force
21 shall not involve itself in pending litigation.

22 (i) The task force shall consist of the following sixteen members:
23 Four representatives of agricultural organizations, to be appointed by
24 the legislator members; two individuals who represent the corresponding
25 interests of legal clients, to be appointed by organizations designated
26 by the three legal services programs; two representatives of Evergreen
27 Legal Services, to be appointed by its board of directors; one
28 representative each from Puget Sound Legal Assistance Foundation and
29 Spokane Legal Services Center, each to be appointed by its directors;
30 one member from each of the majority and minority caucuses of the house
31 of representatives, to be appointed by the speaker of the house of
32 representatives; one member from each of the majority and minority
33 caucuses of the senate, to be appointed by the president of the senate;
34 and two members of the supreme court-appointed access to justice board,
35 to be appointed by the board. During fiscal year 1996, the task force
36 shall be chaired by a legislative member, to be selected by the task
37 force members. During fiscal year 1997, the committee shall be chaired
38 by a nonlegislator member, to be selected by the task force members.

1 (ii) All costs associated with the meetings shall be borne by the
2 individual task force members or by the organizations that the
3 individuals represent. No task force member shall be eligible for
4 reimbursement of expenses under RCW 43.03.050 or 43.03.060. Nothing in
5 this subsection prevents the legal aid programs from using funds
6 appropriated in this act to reimburse their representatives or the
7 individuals representing legal clients.

8 (iii) The task force will meet at least four times during the first
9 year of the biennium and as frequently as necessary thereafter at
10 mutually agreed upon times and locations. Any member of the task force
11 may place items on meeting agendas. Members present at the first two
12 task force meetings shall agree upon a format for subsequent meetings.

13 (b) The legislature recognizes that farmworkers have the right to
14 receive basic information and to consult with attorneys at farm labor
15 camps without fear of intimidation or retaliation. It is the intent of
16 the legislature and in the interest of the public to ensure the safety
17 of all persons affected by legal aid programs' farm labor camp outreach
18 activities. Legal aid program employees have the legal right to enter
19 the common areas of a labor camp or to request permission of employees
20 to enter their dwellings. Employees living in grower supplied housing
21 have the right to refuse entry to anyone including attorneys unless
22 they have a warrant. Individual employees living in employer supplied
23 housing do not have the right to force legal aid program employees to
24 leave common areas of housing (outside) as long as one person who
25 resides in the associated dwellings wants that person to be there. Any
26 legal aid program employee wishing to visit employees housed on grower
27 property has the right to enter the driveway commonly used by the
28 housing occupants. This means that if agricultural employees must use
29 a grower's personal driveway to get to their housing, legal aid program
30 employees also may use that driveway to access the housing without a
31 warrant so long as at least some of the housing is occupied. When
32 conducting outreach activities that involve entry onto labor camps,
33 legal aid programs shall establish and abide by policies regarding
34 conduct of outreach activities. The policies shall include a
35 requirement that legal aid program employees identify themselves to
36 persons whom they encounter at farm labor camps. The legal aid
37 programs shall provide copies of their current outreach policies to
38 known agricultural organizations and shall provide copies upon request
39 to any owner of property on which farmworkers are housed. Legal aid

1 program employees involved in outreach activities shall attempt to
2 inform operators of licensed farm labor camps or their agents, and
3 known grower organizations of the approximate time frame for outreach
4 activities and shall cooperate with operators of farm labor camps at
5 which farmworkers are housed in assuring compliance with all pertinent
6 laws and ordinances, including those related to trespass and
7 harassment. Employers who believe that Evergreen Legal Services
8 Outreach Guidelines have been violated shall promptly provide all
9 available information on the alleged violation to the director of
10 Evergreen Legal Services and to the chair of the Task Force on
11 Agricultural Interests/Legal Aid Relations. Evergreen Legal Services
12 will promptly investigate any alleged violations of the outreach
13 guidelines and inform the complaining party of the result. If the
14 resolution of the investigation is not satisfactory to the complainant,
15 the matter shall be placed on the Task Force agenda for discussion at
16 the next scheduled meeting. Employers who believe that Evergreen Legal
17 Services staff members have trespassed should immediately contact local
18 law enforcement authorities.

19 (c) It is the intent of the legislature to provide the greatest
20 amount of legal services to the largest number of clients by
21 discouraging inefficient use of state funding for indigent legal
22 representation. To this end, it is the intent of the legislature that,
23 prior to the commencement of litigation against any private employer
24 relating to the terms and conditions of employment legal aid programs
25 receiving funds appropriated in this act make good faith written demand
26 for the requested relief, a good faith offer of settlement or an offer
27 to submit to nonbinding arbitration prior to filing a lawsuit, unless
28 the making of the offer is, in the opinion of the director of the legal
29 services program or his/her designee, clearly prejudicial to: (i) The
30 health, safety, or security of the client; or (ii) the timely
31 availability of judicial relief. The director of the legal aid program
32 may designate not more than two persons for purposes of making the
33 determination of prejudice permitted by this section.

34 (d)(i) The legislature encourages legal aid programs to devote
35 their state and nonstate funding to the basic, daily legal needs of
36 indigent persons. No funds appropriated under this act may be used for
37 legal representation and activities outside the scope of RCW 43.08.260.

38 (ii) No funds appropriated in this act may be used for lobbying as
39 defined in RCW 43.08.260(3). Legal aid programs receiving funds

1 appropriated in this act shall comply with all restrictions on lobbying
2 contained in Federal Legal Services Corporation Act (P.L. 99-951) and
3 regulations promulgated thereunder.

4 (e) No funds appropriated in this act may be used by legal aid
5 programs for representation of undocumented aliens.

6 (f) The legislature recognizes the duty of legal aid programs to
7 preserve inviolate and prevent the disclosure of, in the absence of
8 knowing and voluntary client consent, client information protected by
9 the United States Constitution, the Washington Constitution, the
10 attorney-client privilege, or any applicable attorney rule of
11 professional conduct. However, to the extent permitted by applicable
12 law, legal aid programs receiving funds appropriated in this act shall,
13 upon request, provide information on their activities to the department
14 and to legislators for purposes of monitoring compliance with
15 authorizing legislation and this subsection.

16 (g) Nothing in this subsection is intended to limit the authority
17 of existing entities, including but not limited to the Washington state
18 bar association, the public disclosure commission, and the Federal
19 Legal Services Corporation, to resolve complaints or disputes within
20 their jurisdiction.

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