
HOUSE BILL 1375

State of Washington 64th Legislature 2015 Regular Session

By Representatives Taylor, Scott, Young, G. Hunt, Shea, and Buys

Read first time 01/19/15. Referred to Committee on State Government.

1 AN ACT Relating to criminal trespass on private property;
2 amending RCW 15.08.040, 15.09.070, 15.13.265, 15.13.265, 15.14.035,
3 15.37.120, 15.49.370, 15.54.370, 15.58.280, 15.115.300, 16.52.085,
4 16.57.170, 17.04.280, 17.10.160, 17.21.320, 17.24.021, 18.39.170,
5 19.28.101, 19.28.470, 19.94.260, 22.16.020, 35.43.045, 35.67.310,
6 35.80.030, 35.80A.040, 35.81.070, 36.70.500, 36.88.390, 38.32.030,
7 43.30.450, 43.44.010, 43.44.020, 43.92.080, 43.190.080, 47.01.170,
8 47.41.070, 47.42.080, 57.08.005, 59.18.115, 59.20.130, 64.44.020,
9 66.28.090, 69.50.501, 70.77.450, 70.87.120, 70.97.160, 70.105D.030,
10 70.119A.150, 76.04.035, 76.06.130, 76.09.150, 76.09.160, 77.12.154,
11 78.04.015, 78.04.040, 79.14.440, 79.14.450, 79.14.530, 79.14.540,
12 80.32.070, 80.36.020, 80.36.030, 81.36.020, 81.64.050, 82.26.060,
13 82.26.080, 86.09.226, 87.03.140, 89.30.211, 90.16.040, 90.48.090, and
14 90.76.060; reenacting and amending RCW 9A.52.010; creating a new
15 section; providing an effective date; and providing an expiration
16 date.

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

18 NEW SECTION. **Sec. 1.** (1) The legislature declares that the
19 people of this state have a right to a reasonable expectation of
20 privacy on their private property. The legislature finds, however,
21 that over time statutory authority for entry onto private property

1 has expanded to the point where the people no longer feel secure from
2 the unreasonable intrusion of government officials and others who
3 have been granted special immunity from prosecution for trespass. The
4 legislature further finds that this unnecessary erosion of the right
5 of privacy creates dangerous tension between the people of the state
6 and their government and jeopardizes the orderly resolution of
7 issues.

8 (2) The legislature intends, with certain limited and necessary
9 exceptions, that all persons, whether government employees or private
10 persons, be made subject to the same restrictions with regard to
11 entering upon the property of another. It is the intent of the
12 legislature to eliminate special immunities from prosecution for
13 trespass, whether those immunities have been legislatively granted to
14 the government or to private persons or entities. It is not the
15 intent of the legislature to change the elements of the crime of
16 trespass, but only to make all persons subject to the same law with
17 exceptions from uniform application of that law only for the kinds of
18 entries onto property by law enforcement officers that are lawful as
19 of the effective date of this section and those entries onto property
20 by government personnel that are specified in this act.

21 **Sec. 2.** RCW 9A.52.010 and 2011 c 336 s 369 are each reenacted
22 and amended to read as follows:

23 The following definitions apply in this chapter:

24 (1) "Access" means to approach, instruct, communicate with, store
25 data in, retrieve data from, or otherwise make use of any resources
26 of a computer, directly or by electronic means.

27 (2) "Computer program" means an ordered set of data representing
28 coded instructions or statements that when executed by a computer
29 cause the computer to process data.

30 (3) "Data" means a representation of information, knowledge,
31 facts, concepts, or instructions that are being prepared or have been
32 prepared in a formalized manner and are intended for use in a
33 computer.

34 (4) "Enter." The word "enter" when constituting an element or
35 part of a crime, shall include the entrance of the person, or the
36 insertion of any part of his or her body, or any instrument or weapon
37 held in his or her hand and used or intended to be used to threaten
38 or intimidate a person or to detach or remove property;

1 (5) "Enters or remains unlawfully." A person "enters or remains
2 unlawfully" in or upon premises when he or she is not then licensed,
3 invited, or otherwise privileged to so enter or remain. A public
4 official or employee "enters or remains unlawfully" under the same
5 circumstances as any other person, except that it is not unlawful for
6 such an official or employee to enter or remain in or upon premises:

7 (a) When necessary to do so in response to a fire or a medical
8 emergency;

9 (b) When acting under authority of a warrant or other court
10 order; or

11 (c) When the official or employee is a law enforcement officer
12 entering or remaining in or upon premises in a manner and under
13 circumstances that are lawful as of the effective date of this
14 section.

15 A license or privilege to enter or remain in a building which is
16 only partly open to the public is not a license or privilege to enter
17 or remain in that part of a building which is not open to the public.
18 A person who enters or remains upon unimproved and apparently unused
19 land, which is neither fenced nor otherwise enclosed in a manner
20 designed to exclude intruders, does so with license and privilege
21 unless notice against trespass is personally communicated to him or
22 her by the owner of the land or some other authorized person, or
23 unless notice is given by posting in a conspicuous manner. Land that
24 is used for commercial aquaculture or for growing an agricultural
25 crop or crops, other than timber, is not unimproved and apparently
26 unused land if a crop or any other sign of cultivation is clearly
27 visible or if notice is given by posting in a conspicuous manner.
28 Similarly, a field fenced in any manner is not unimproved and
29 apparently unused land. A license or privilege to enter or remain on
30 improved and apparently used land that is open to the public at
31 particular times, which is neither fenced nor otherwise enclosed in a
32 manner to exclude intruders, is not a license or privilege to enter
33 or remain on the land at other times if notice of prohibited times of
34 entry is posted in a conspicuous manner.

35 If a property owner has requested and obtained a service, permit,
36 certificate, or license that requires the provider of the service,
37 permit, certificate, or license to have access to the owner's
38 property for the purpose of ensuring that the requirements of the
39 service, permit, certificate, or license are met, the provider is
40 licensed, after notifying the owner or the owner's agent, and in the

1 owner's or agent's presence, to enter or remain upon that portion of
2 the property to which the service, permit, certificate, or license
3 pertains exclusively for that purpose. A property owner or the
4 owner's agent may not unreasonably deny a provider access to the
5 owner's property.

6 (6) "Premises" includes any building, dwelling, structure used
7 for commercial aquaculture, or any real property.

8 **Sec. 3.** RCW 15.08.040 and 2010 c 8 s 6006 are each amended to
9 read as follows:

10 The director, supervisor, and horticultural inspectors (~~are~~
11 ~~authorized to at any time~~) may, subject to RCW 9A.52.070 and
12 9A.52.080, enter horticultural premises and any structure where
13 fruit, vegetables, nursery stock, or horticultural products are grown
14 or situated for any purpose, to inspect the same for infection.

15 (~~No person shall hinder or interfere with any such officer in~~
16 ~~entering or inspecting or performing any duty imposed upon him or~~
17 ~~her.~~)

18 **Sec. 4.** RCW 15.09.070 and 1969 c 113 s 7 are each amended to
19 read as follows:

20 Any authorized agent or employee of the county horticultural pest
21 and disease board may, subject to RCW 9A.52.070 and 9A.52.080, enter
22 upon any property for the purpose of administering this chapter and
23 any power exercisable pursuant thereto, including the taking of
24 specimens, general inspection, and the performance of such acts as
25 are necessary for controlling and preventing the spreading of
26 horticultural pests and diseases. (~~Such entry may be without the~~
27 ~~consent of the owner, and no action for trespass or damages shall lie~~
28 ~~so long as such entry and any activities connected therewith are~~
29 ~~undertaken and prosecuted with reasonable care.~~)

30 Should any such employee or authorized agent of the county
31 horticultural pest and disease board be denied access to such
32 property where such access was sought to carry out the purpose and
33 provisions of this chapter, the said board may apply to any court of
34 competent jurisdiction for a search warrant authorizing access to
35 such property for said purpose. The court may upon such application
36 issue the search warrant for the purpose requested.

1 **Sec. 5.** RCW 15.13.265 and 2007 c 335 s 3 are each amended to
2 read as follows:

3 (1) The director may, subject to RCW 9A.52.070 and 9A.52.080,
4 enter and inspect the horticultural facilities of a nursery dealer at
5 reasonable times for the purpose of carrying out the provisions of
6 this chapter.

7 (2) If the director is denied access, the director may apply to a
8 court of competent jurisdiction for a search warrant authorizing
9 access to the premises. The court may upon such application issue the
10 search warrant for the purposes requested. The warrant shall be
11 issued on probable cause. It is sufficient probable cause to show (a)
12 the inspection is pursuant to a general administrative practice to
13 determine compliance with this chapter or (b) the director has reason
14 to believe that a violation of this chapter has occurred, is
15 occurring, or may occur.

16 ~~((3) Denial of access to the director to perform inspections may
17 subject a nursery dealer or Christmas tree grower to license
18 revocation.))~~

19 **Sec. 6.** RCW 15.13.265 and 2000 c 144 s 4 are each amended to
20 read as follows:

21 (1) The director may, subject to RCW 9A.52.070 and 9A.52.080,
22 enter and inspect the horticultural facilities of a nursery dealer at
23 reasonable times for the purpose of carrying out the provisions of
24 this chapter.

25 (2) If the director is denied access, the director may apply to a
26 court of competent jurisdiction for a search warrant authorizing
27 access to the premises. The court may upon such application issue the
28 search warrant for the purposes requested. The warrant shall be
29 issued on probable cause. It is sufficient probable cause to show (a)
30 the inspection is pursuant to a general administrative practice to
31 determine compliance with this chapter or (b) the director has reason
32 to believe that a violation of this chapter has occurred, is
33 occurring, or may occur.

34 ~~((3) Denial of access to the director to perform inspections may
35 subject a nursery dealer to revocation of the nursery license.))~~

36 **Sec. 7.** RCW 15.14.035 and 1999 c 144 s 4 are each amended to
37 read as follows:

1 In order to carry out the purposes of this chapter, the director
2 may, subject to RCW 9A.52.070 and 9A.52.080, enter at reasonable
3 times as determined by the director and inspect any property or
4 premises and any records required under this chapter. If the director
5 is denied access to any property, premises, or records, the director
6 may (~~suspend, cancel, or refuse certification or other approval of~~
7 ~~the planting stock or may~~) apply to a court of competent
8 jurisdiction for a search warrant authorizing access to the property,
9 premises, or records. The court may upon the application issue a
10 search warrant for the purpose requested.

11 **Sec. 8.** RCW 15.37.120 and 2010 c 8 s 6056 are each amended to
12 read as follows:

13 The director or his or her duly authorized representative may,
14 subject to RCW 9A.52.070 and 9A.52.080, enter, during reasonable
15 business hours, any premises where milk, cream, or skim milk subject
16 to the provisions of this chapter is produced, handled, distributed,
17 sold, offered for sale, held for sale, or used for the inducement of
18 the sale of another product to determine if such milk, cream, or skim
19 milk has been properly decharacterized as provided in RCW 15.37.100
20 or rules adopted hereunder. No person shall interfere with the
21 director or his or her duly authorized representative when he or she
22 is performing or carrying out the duties imposed on him or her by
23 this chapter or rules adopted hereunder.

24 **Sec. 9.** RCW 15.49.370 and 1981 c 297 s 14 are each amended to
25 read as follows:

26 The department shall have the authority to:

27 (1) Sample, inspect, make analysis of, and test seeds distributed
28 within this state at such time and place and to such extent as it may
29 deem necessary to determine whether such seeds are in compliance with
30 the provisions of this chapter. The methods of sampling and analysis
31 shall be those adopted by the department from officially recognized
32 sources. The department, in determining for administrative purposes
33 whether seeds are in violation of this chapter, shall be guided by
34 records, and by the official sample obtained and analyzed as provided
35 for in this section. Analysis of an official sample, by the
36 department, shall be accepted as prima facie evidence by any court of
37 competent jurisdiction.

1 (2) Enter, subject to RCW 9A.52.070 and 9A.52.080, any dealer's
2 or seed labeling registrant's premises at all reasonable times in
3 order to have access to seeds and to records. This includes the
4 determination of the weight of packages and bulk shipments.

5 (3) Adopt and enforce regulations for certifying seeds, and shall
6 fix and collect fees for such service. The director of the department
7 may appoint persons as agents for the purpose of assisting in the
8 certification of seeds.

9 (4) Adopt and enforce regulations for inspecting, grading, and
10 certifying growing crops of seeds; inspect, grade, and issue
11 certificates upon request; and fix and collect fees for such
12 services.

13 (5) Make purity, germination and other tests of seed on request,
14 and fix and collect charges for the tests made.

15 (6) Establish and maintain seed testing facilities, employ
16 qualified persons, establish by rule special assessments as needed,
17 and incur such expenses as may be necessary to carry out the
18 provisions of this chapter.

19 (7) Adopt a list of the prohibited and restricted noxious weed
20 seeds.

21 (8) Publish reports of official seed inspections, seed
22 certifications, laboratory statistics, verified violations of this
23 chapter, and other seed branch activities which do not reveal
24 confidential information regarding individual company operations or
25 production.

26 (9) Deny, suspend, or revoke licenses, permits and certificates
27 provided for in this chapter subsequent to a hearing, subject to the
28 provisions of chapter 34.05 RCW (Administrative Procedure Act) as
29 enacted or hereafter amended, in any case in which the department
30 finds that there has been a failure or refusal to comply with the
31 provisions of this chapter or regulations adopted hereunder.

32 **Sec. 10.** RCW 15.54.370 and 1993 c 183 s 8 are each amended to
33 read as follows:

34 (1) It shall be the duty of the department to inspect, sample,
35 make analysis of, and test commercial fertilizers distributed within
36 this state at such time and place and to such an extent as it may
37 deem necessary to determine whether such fertilizers are in
38 compliance with the provisions of this chapter. The department is
39 authorized to stop any commercial vehicle transporting fertilizers on

1 the public highways and direct it to the nearest scales approved by
2 the department to check weights of fertilizers being delivered. The
3 department (~~(is also authorized)~~) may, upon presentation of proper
4 identification, (~~(to)~~) and subject to RCW 9A.52.070 and 9A.52.080,
5 enter any distributor's premises, including any vehicle of transport,
6 at all reasonable times in order to have access to commercial
7 fertilizers and to records relating to their distribution.

8 (2) The methods of sampling and analysis shall be those adopted
9 by the department from officially recognized sources.

10 (3) The department, in determining for administrative purposes
11 whether a fertilizer is deficient in any component or total
12 nutrients, shall be guided solely by the official sample as defined
13 in RCW 15.54.270 and obtained and analyzed as provided for in this
14 section.

15 (4) When the inspection and analysis of an official sample has
16 been made, the results of analysis shall be forwarded by the
17 department to the registrant or licensee and to the purchaser, if
18 known. Upon request and within thirty days, the department shall
19 furnish to the registrant or licensee a portion of the sample
20 concerned.

21 (5) Analysis of an official sample by the department shall be
22 accepted as prima facie evidence by any court of competent
23 jurisdiction.

24 **Sec. 11.** RCW 15.58.280 and 2010 c 8 s 6067 are each amended to
25 read as follows:

26 The sampling and examination of pesticides or devices shall be
27 made under the direction of the director for the purpose of
28 determining whether or not they comply with the requirements of this
29 chapter. The director (~~(is authorized)~~) may, upon presentation of
30 proper identification, (~~(to)~~) and subject to RCW 9A.52.070 and
31 9A.52.080, enter any distributor's premises, including any vehicle of
32 transport, at all reasonable times in order to have access to
33 pesticides or devices. If it appears from such examination that a
34 pesticide or device fails to comply with the provisions of this
35 chapter or rules adopted under this chapter, and the director
36 contemplates instituting criminal proceedings against any person, the
37 director shall cause notice to be given to such person. Any person so
38 notified shall be given an opportunity to present his or her views,
39 either orally or in writing, with regard to the contemplated

1 proceedings. If thereafter in the opinion of the director it appears
2 that the provisions of this chapter or rules adopted under this
3 chapter have been violated by such person, the director shall refer a
4 copy of the results of the analysis or the examination of such
5 pesticide or device to the prosecuting attorney for the county in
6 which the violation occurred.

7 **Sec. 12.** RCW 15.115.300 and 2009 c 33 s 31 are each amended to
8 read as follows:

9 (1) To prove eligibility to vote or hold a position on the
10 commission, each producer must show records of sales of commercial
11 quantities of wheat or barley sold within the past three years if
12 requested by the commission.

13 (2) Each handler shall keep a complete and accurate record of all
14 wheat and barley handled.

15 (3) Handlers' records must be in the form and contain the
16 information as the commission may by rule prescribe, must be
17 preserved for a period of three years, and are subject to inspection
18 at any time upon demand of the commission or its agents.

19 (4) The commission through its agents may, subject to RCW
20 9A.52.070 and 9A.52.080, enter and inspect the premises and records
21 of any handler of wheat or barley for the purpose of enforcing this
22 chapter. The commission has the authority to issue subpoenas for the
23 production of books, records, documents, and other writings of any
24 kind from any handler and from any person having, either directly or
25 indirectly, actual or legal control of or over the premises, books,
26 records, documents, or other writings, for the purpose of enforcing
27 this chapter or rules adopted under this chapter.

28 (5) All information furnished to or acquired by the commission or
29 by an agent of the commission under this section must be kept
30 confidential by all officers, employees, and agents of the
31 commission, except as may be necessary in a suit or other legal
32 proceeding brought by, on behalf of, or against the commission or its
33 employees or agents involving the enforcement of this chapter or
34 rules adopted under this chapter.

35 (6) This section does not prohibit:

36 (a) The issuance of general statements based upon the reports of
37 a number of persons subject to this chapter, which statements do not
38 identify the information furnished by any person; or

1 (b) The publication by the commission or the director of the name
2 of any person violating this chapter or rules adopted under this
3 chapter, together with a statement of the particular provisions and
4 the manner of the violation.

5 **Sec. 13.** RCW 16.52.085 and 2011 c 172 s 3 are each amended to
6 read as follows:

7 (1) If a law enforcement officer or animal control officer has
8 probable cause to believe that an owner of a domestic animal has
9 violated this chapter or a person owns, cares for, or resides with an
10 animal in violation of an order issued under RCW 16.52.200(4) and no
11 responsible person can be found to assume the animal's care, the
12 officer may authorize, with a warrant, the removal of the animal to a
13 suitable place for feeding and care, or may place the animal under
14 the custody of an animal care and control agency. In determining what
15 is a suitable place, the officer shall consider the animal's needs,
16 including its size and behavioral characteristics. An officer may
17 remove an animal under this subsection without a warrant only if the
18 animal is in an immediate life-threatening condition and the removal
19 does not violate RCW 9A.52.070 or 9A.52.080.

20 (2) If a law enforcement officer or an animal control officer has
21 probable cause to believe a violation of this chapter has occurred,
22 the officer may authorize an examination of a domestic animal
23 allegedly neglected or abused in violation of this chapter by a
24 veterinarian to determine whether the level of neglect or abuse in
25 violation of this chapter is sufficient to require removal of the
26 animal. This section does not condone illegal entry onto private
27 property.

28 (3) Any owner whose domestic animal is removed pursuant to this
29 chapter shall be given written notice of the circumstances of the
30 removal and notice of legal remedies available to the owner. The
31 notice shall be given by posting at the place of seizure, by delivery
32 to a person residing at the place of seizure, or by registered mail
33 if the owner is known. In making the decision to remove an animal
34 pursuant to this chapter, the officer shall make a good faith effort
35 to contact the animal's owner before removal.

36 (4) The agency having custody of the animal may euthanize the
37 animal or may find a responsible person to adopt the animal not less
38 than fifteen business days after the animal is taken into custody. A
39 custodial agency may euthanize severely injured, diseased, or

1 suffering animals at any time. An owner may prevent the animal's
2 destruction or adoption by: (a) Petitioning the district court of the
3 county where the animal was seized for the animal's immediate return
4 subject to court-imposed conditions, or (b) posting a bond or
5 security in an amount sufficient to provide for the animal's care for
6 a minimum of thirty days from the seizure date. If the custodial
7 agency still has custody of the animal when the bond or security
8 expires, the animal shall become the agency's property unless the
9 court orders an alternative disposition. If a court order prevents
10 the agency from assuming ownership and the agency continues to care
11 for the animal, the court shall order the owner to renew a bond or
12 security for the agency's continuing costs for the animal's care.
13 When a court has prohibited the owner from owning, caring for, or
14 residing with a similar animal under RCW 16.52.200(4), the agency
15 having custody of the animal may assume ownership upon seizure and
16 the owner may not prevent the animal's destruction or adoption by
17 petitioning the court or posting a bond.

18 (5) If no criminal case is filed within fourteen business days of
19 the animal's removal, the owner may petition the district court of
20 the county where the animal was removed for the animal's return. The
21 petition shall be filed with the court, with copies served to the law
22 enforcement or animal care and control agency responsible for
23 removing the animal and to the prosecuting attorney. If the court
24 grants the petition, the agency which seized the animal must deliver
25 the animal to the owner at no cost to the owner. If a criminal action
26 is filed after the petition is filed but before the animal is
27 returned, the petition shall be joined with the criminal matter.

28 (6) In a motion or petition for the animal's return before a
29 trial, the burden is on the owner to prove by a preponderance of the
30 evidence that the animal will not suffer future neglect or abuse and
31 is not in need of being restored to health.

32 (7) Any authorized person treating or attempting to restore an
33 animal to health under this chapter shall not be civilly or
34 criminally liable for such action.

35 **Sec. 14.** RCW 16.57.170 and 2003 c 326 s 20 are each amended to
36 read as follows:

37 The director may, subject to RCW 9A.52.070 and 9A.52.080, enter
38 at any reasonable time any slaughterhouse or public livestock market
39 to inspect livestock or hides, and may enter at any reasonable time

1 an establishment where hides are held to inspect them for brands or
2 other means of identification. The director may, subject to RCW
3 9A.52.070 and 9A.52.080, enter any of these premises at any
4 reasonable time to examine all books and records required by law in
5 matters relating to livestock identification. For purposes of this
6 section, "any reasonable time" means during regular business hours or
7 during any working shift.

8 **Sec. 15.** RCW 17.04.280 and 2011 c 336 s 452 are each amended to
9 read as follows:

10 All weed district directors, all weed inspectors, and all
11 official agents of all weed districts, in the performance of their
12 official duties, (~~have the right to~~) may, subject to RCW 9A.52.070
13 and 9A.52.080, enter and go upon any of the lands within their weed
14 district at any reasonable time for any reason necessary to
15 effectuate the purposes of the weed district. (~~Any person who~~
16 ~~prevents or threatens to prevent any lawful agent of the weed~~
17 ~~district, after said agent identifies himself or herself and the~~
18 ~~purpose for which he or she is going upon the land, from entering or~~
19 ~~going upon the land within said weed district at a reasonable time~~
20 ~~and for a lawful purpose of the weed district, is guilty of a~~
21 ~~misdemeanor.~~))

22 **Sec. 16.** RCW 17.10.160 and 1997 c 353 s 20 are each amended to
23 read as follows:

24 Any authorized agent or employee of the county noxious weed
25 control board or of the state noxious weed control board or of the
26 department of agriculture where not otherwise proscribed by law may,
27 subject to RCW 9A.52.070 and 9A.52.080, enter upon any property for
28 the purpose of administering this chapter and any power exercisable
29 pursuant thereto, including the taking of specimens of weeds, general
30 inspection, and the performance of eradication or control work. Prior
31 to carrying out the purpose for which the entry is made, the official
32 making such entry or someone in his or her behalf, shall make a
33 reasonable attempt to notify the owner of the property as to the
34 purpose and need for the entry.

35 (1) When there is probable cause to believe that there is
36 property within this state not otherwise exempt from process or
37 execution upon which noxious weeds are standing or growing and the
38 owner refuses permission to inspect the property, a judge of the

1 superior court or district court in the county in which the property
2 is located may, upon the request of the county noxious weed control
3 board or its agent, issue a warrant directed to the board or agent
4 authorizing the taking of specimens of weeds or other materials,
5 general inspection, and the performance of eradication or control
6 work.

7 (2) Application for issuance and execution and return of the
8 warrant authorized by this section shall be in accordance with the
9 applicable rules of the superior court or the district courts.

10 (3) Nothing in this section requires the application for and
11 issuance of any warrant not otherwise required by law: PROVIDED, That
12 civil liability for negligence shall lie in any case in which entry
13 and any of the activities connected therewith are not undertaken with
14 reasonable care.

15 (4) Any person who improperly prevents or threatens to prevent
16 entry upon land as authorized in this section or any person who
17 interferes with the carrying out of this chapter shall be upon
18 conviction guilty of a misdemeanor.

19 **Sec. 17.** RCW 17.21.320 and 1989 c 380 s 62 are each amended to
20 read as follows:

21 (1) For purpose of carrying out the provisions of this chapter
22 the director may, subject to RCW 9A.52.070 and 9A.52.080, enter upon
23 any public or private premises at reasonable times, in order:

24 (a) To have access for the purpose of inspecting any equipment
25 subject to this chapter and such premises on which such equipment is
26 kept or stored;

27 (b) To inspect lands actually or reported to be exposed to
28 pesticides;

29 (c) To inspect storage or disposal areas;

30 (d) To inspect or investigate complaints of injury to humans or
31 land; or

32 (e) To sample pesticides being applied or to be applied.

33 (2) Should the director be denied access to any land where such
34 access was sought for the purposes set forth in this chapter, the
35 director may apply to any court of competent jurisdiction for a
36 search warrant authorizing access to such land for said purposes. The
37 court may upon such application, issue the search warrant for the
38 purposes requested.

1 (3) It shall be the duty of each prosecuting attorney to whom any
2 violation of this chapter is reported, to cause appropriate
3 proceedings to be instituted and prosecuted in a court of competent
4 jurisdiction without delay.

5 (4) The director may bring an action to enjoin the violation or
6 threatened violation of any provision of this chapter or any rule
7 made pursuant to this chapter in the superior court of the county in
8 which such violation occurs or is about to occur.

9 **Sec. 18.** RCW 17.24.021 and 1991 c 257 s 6 are each amended to
10 read as follows:

11 (1) The director may intercept and hold or order held for
12 inspection, or cause to be inspected while in transit or after
13 arrival at their destination, all plants, plant products, bees, or
14 other articles likely to carry plant pests, bee pests, or noxious
15 weeds being moved into this state from another state, territory, or a
16 foreign country or within or through this state for plant and bee
17 pests and disease.

18 (2) The director may, subject to RCW 9A.52.070 and 9A.52.080,
19 enter upon public and private premises at reasonable times for the
20 purpose of carrying out this chapter. If the director be denied
21 access, the director may apply to any court of competent jurisdiction
22 for a search warrant authorizing access to such premises. The court
23 may upon such application issue the search warrant for the purposes
24 requested.

25 (3) The director may adopt rules in accordance with chapter 34.05
26 RCW as may be necessary to carry out the purposes and provisions of
27 this chapter.

28 **Sec. 19.** RCW 18.39.170 and 2005 c 365 s 12 are each amended to
29 read as follows:

30 There shall be appointed by the director an agent whose title
31 shall be "inspector of funeral establishments, crematories, funeral
32 directors, and embalmers of the state of Washington." No person shall
33 be eligible for such appointment unless he or she has been a licensed
34 funeral director and embalmer in the state of Washington, with a
35 minimum experience of not less than five consecutive years.

36 (1) The inspector shall:

37 (a) Serve at the pleasure of the director; and

38 (b) At all times be under the supervision of the director.

1 (2) The inspector (~~is authorized to~~) may:

2 (a) Subject to RCW 9A.52.070 and 9A.52.080, enter the office,
3 premises, establishment, or place of business, where funeral
4 directing, embalming, or cremation is carried on for the purpose of
5 inspecting the premises;

6 (b) Inspect the licenses and registrations of funeral directors,
7 embalmers, funeral director interns, and embalmer interns;

8 (c) Serve and execute any papers or process issued by the
9 director under authority of this chapter; and

10 (d) Perform any other duty or duties prescribed or ordered by the
11 director.

12 **Sec. 20.** RCW 19.28.101 and 2008 c 181 s 201 are each amended to
13 read as follows:

14 (1) The director shall cause an inspector to, subject to RCW
15 9A.52.070 and 9A.52.080, inspect all wiring, appliances, devices, and
16 equipment to which this chapter applies except for basic electrical
17 work as defined in this chapter. The department may not require an
18 electrical work permit for class A basic electrical work unless
19 deficiencies in the installation or repair require inspection. The
20 department may inspect class B basic electrical work on a random
21 basis as specified by the department in rule. Nothing contained in
22 this chapter may be construed as providing any authority for any
23 subdivision of government to adopt by ordinance any provisions
24 contained or provided for in this chapter except those pertaining to
25 cities and towns pursuant to RCW 19.28.010(3).

26 (2) Upon request, electrical inspections will be made by the
27 department within forty-eight hours, excluding holidays, Saturdays,
28 and Sundays. If, upon written request, the electrical inspector fails
29 to make an electrical inspection within twenty-four hours, the
30 serving utility may immediately connect electrical power to the
31 installation if the necessary electrical work permit is displayed:
32 PROVIDED, That if the request is for an electrical inspection that
33 relates to a mobile home installation, the applicant shall provide
34 proof of a current building permit issued by the local government
35 agency authorized to issue such permits as a prerequisite for
36 inspection approval or connection of electrical power to the mobile
37 home.

38 (3) Whenever the installation of any wiring, device, appliance,
39 or equipment is not in accordance with this chapter, or is in such a

1 condition as to be dangerous to life or property, the person, firm,
2 partnership, corporation, or other entity owning, using, or operating
3 it shall be notified by the department and shall within fifteen days,
4 or such further reasonable time as may upon request be granted, make
5 such repairs and changes as are required to remove the danger to life
6 or property and to make it conform to this chapter. The director,
7 through the inspector, is hereby empowered to disconnect or order the
8 discontinuance of electrical service to conductors or equipment that
9 are found to be in a dangerous or unsafe condition and not in
10 accordance with this chapter. Upon making a disconnection the
11 inspector shall attach a notice stating that the conductors have been
12 found dangerous to life or property and are not in accordance with
13 this chapter. It is unlawful for any person to reconnect such
14 defective conductors or equipment without the approval of the
15 department, and until the conductors and equipment have been placed
16 in a safe and secure condition, and in a condition that complies with
17 this chapter.

18 (4) The director, through the electrical inspector, (~~has the~~
19 ~~right~~) during reasonable hours (~~to~~), and subject to RCW 9A.52.070
20 and 9A.52.080, may enter into and upon any building or premises in
21 the discharge of his or her official duties for the purpose of making
22 any inspection or test of the installation of new construction or
23 altered electrical wiring, electrical devices, equipment, or material
24 contained in or on the buildings or premises. No electrical wiring or
25 equipment subject to this chapter may be concealed until it has been
26 approved by the inspector making the inspection. At the time of the
27 inspection, electrical wiring or equipment subject to this chapter
28 must be sufficiently accessible to permit the inspector to employ any
29 testing methods that will verify conformance with the national
30 electrical code and any other requirements of this chapter.

31 (5) Persons, firms, partnerships, corporations, or other entities
32 making electrical installations shall obtain inspection and approval
33 from an authorized representative of the department as required by
34 this chapter before requesting the electric utility to connect to the
35 installations. Electric utilities may connect to the installations if
36 approval is clearly indicated by certification of the electrical work
37 permit required to be affixed to each installation or by equivalent
38 means, except that increased or relocated services may be reconnected
39 immediately at the discretion of the utility before approval if an

1 electrical work permit is displayed. The permits shall be furnished
2 upon payment of the fee to the department.

3 (6) The director, subject to the recommendations and approval of
4 the board, shall set by rule a schedule of license and electrical
5 work permit fees that will cover the costs of administration and
6 enforcement of this chapter. The rules shall be adopted in accordance
7 with the administrative procedure act, chapter 34.05 RCW. No fee may
8 be charged for plug-in mobile homes, recreational vehicles, or
9 portable appliances.

10 (7) Nothing in this chapter shall authorize the inspection of any
11 wiring, appliance, device, or equipment, or installations thereof, by
12 any utility or by any person, firm, partnership, corporation, or
13 other entity employed by a utility in connection with the
14 installation, repair, or maintenance of lines, wires, apparatus, or
15 equipment owned by or under the control of the utility. All work
16 covered by the national electric code not exempted by the 1981
17 edition of the national electric code 90-2(B)(5) shall be inspected
18 by the department.

19 (8) During a state of emergency declared under RCW 43.06.010(12),
20 the governor may waive or suspend the collection of fees under this
21 section or any portion of this section or under any administrative
22 rule, and issue any orders to facilitate the operation of state or
23 local government or to promote and secure the safety and protection
24 of the civilian population.

25 **Sec. 21.** RCW 19.28.470 and 2000 c 238 s 211 are each amended to
26 read as follows:

27 (1) The director shall require permits and require an inspector
28 to inspect all installations of telecommunications systems on the
29 customer side of the network demarcation point for projects greater
30 than ten outlets. However:

31 (a) All projects penetrating fire barriers, passing through
32 hazardous locations and all backbone installations regardless of size
33 shall be inspected;

34 (b) All installations in single-family residences, duplex
35 residences, and horizontal cabling systems within apartment
36 residential units, including cooperatives and condominiums, do not
37 require permits or inspections;

1 (c) No permits or inspections may be required for installation or
2 replacement of cord and plug connected telecommunications equipment
3 or for patch cord and jumper cross-connected equipment;

4 (d) The chief electrical inspector may allow a building owner or
5 licensed electrical/telecommunications contractor to apply for annual
6 permitting and regularly scheduled inspection of telecommunications
7 installations made by licensed electrical/telecommunications
8 contractors or the building owner for large commercial and industrial
9 installations where:

10 (i) The building owner or licensed electrical/telecommunications
11 contractor has a full-time telecommunications maintenance staff or a
12 yearly maintenance contract with a licensed electrical/
13 telecommunications contractor;

14 (ii) The permit is purchased before beginning any
15 telecommunications work; and

16 (iii) The building owner or licensed electrical/
17 telecommunications contractor assumes responsibility for correcting
18 all installation deficiencies.

19 (2) Upon request, the department shall make the required
20 inspection within forty-eight hours. The forty-eight hour period
21 excludes holidays, Saturdays, and Sundays.

22 (3) A written report of the inspection, which plainly and clearly
23 states any corrections or changes required, shall be made by the
24 inspector. A copy of the report shall be furnished to the person or
25 entity doing the installation work, and a copy shall be filed by the
26 department.

27 (4) Whenever the installation of any telecommunications cabling
28 and associated hardware is not in accordance with this chapter, or is
29 in such a condition as to be dangerous to life or property, the
30 person, firm, partnership, corporation, or other entity owning,
31 using, or operating it shall be notified by the department and shall
32 within fifteen working days, or such further reasonable time as may
33 upon request be granted, make such repairs and changes as are
34 required to remove the danger to life or property and to make it
35 conform to this chapter. The director, through the inspector, is
36 empowered to disconnect or order the discontinuance of the
37 telecommunications cabling or electrical service to conductors or
38 equipment that are found to be in a dangerous or unsafe condition and
39 not in accordance with this chapter. Upon making a disconnection, the
40 inspector shall attach a notice stating that the conductors have been

1 found dangerous to life or property and are not in accordance with
2 this chapter. It is unlawful for any person to reconnect such
3 defective conductors or equipment without the approval of the
4 department, and until the conductors and equipment have been placed
5 in a safe and secure condition that complies with this chapter.

6 (5) The director, through the electrical inspector, (~~has the~~
7 ~~right~~) and subject to RCW 9A.52.070 and 9A.52.080, may during
8 reasonable hours to enter into and upon any building or premises in
9 the discharge of his or her official duties related to permitting
10 activities for the purpose of making any inspection or test of the
11 installation of new or altered telecommunications systems contained
12 in or on the buildings or premises. No telecommunications cabling
13 subject to this chapter may be concealed until it has been approved
14 by the inspector making the inspection. At the time of the
15 inspection, wiring or equipment subject to this chapter must be
16 sufficiently accessible to permit the inspector to verify
17 installation conformance with the adopted codes and any other
18 requirements of this chapter.

19 **Sec. 22.** RCW 19.94.260 and 1992 c 237 s 18 are each amended to
20 read as follows:

21 (1) With respect to the enforcement of this chapter and any other
22 acts dealing with weights and measures that he or she is, or may be
23 empowered to enforce, the director or a city sealer may reject or
24 seize for use as evidence incorrect weighing or measuring instruments
25 or devices or packages of commodities to be used, retained, offered,
26 exposed for sale, or sold in violation of the law.

27 (2) In the performance of his or her official duties conferred
28 under this chapter, the director or a city sealer (~~is authorized~~)
29 at reasonable times during the normal business hours of the person
30 using a weighing or measuring instrument or device (~~to~~) may,
31 subject to RCW 9A.52.070 and 9A.52.080, enter into or upon any
32 structure or premises where such weighing or measuring instrument or
33 device is used or kept for commercial purposes. If the director or a
34 city sealer is denied access to any premises or establishment where
35 such access was sought for the purposes set forth in this chapter,
36 the director or a city sealer may apply to any court of competent
37 jurisdiction for a search warrant authorizing access to such premises
38 or establishment for such purposes. The court may, upon such
39 application, issue the search warrant for the purposes requested.

1 **Sec. 23.** RCW 22.16.020 and 1919 c 98 s 2 are each amended to
2 read as follows:

3 Every corporation incorporated or that may hereafter be
4 incorporated under the laws of this state or of any other state or
5 territory, and qualified to transact business in this state for the
6 purpose of acquiring, owning or operating public warehouses or
7 elevators for storing and handling grain, produce and other
8 agricultural commodities which may desire to erect and operate any
9 such public warehouse or elevator, or to erect and operate tramways
10 or cable tramways for the purpose of carrying, conveying or
11 transporting such grain, produce or commodities to or from such
12 warehouse or elevator or to acquire rights-of-way for roadways to and
13 from such warehouse or elevator or to acquire boat landing or
14 wharving facilities in connection with such warehouse or elevator
15 (~~shall have the right to~~) may, subject to RCW 9A.52.070 and
16 9A.52.080, enter upon any lands proposed to be used for any such
17 purpose for the purpose of examining, locating and surveying the
18 lines and boundaries thereof, doing no unnecessary damage thereby.

19 **Sec. 24.** RCW 35.43.045 and 1965 c 7 s 35.43.045 are each amended
20 to read as follows:

21 Every city or town (~~shall have the right of entry~~) may, subject
22 to RCW 9A.52.070 and 9A.52.080, enter upon all irrigation, drainage,
23 or flood control canal or ditch rights-of-way within its limits for
24 all purposes necessary to safeguard the public from the hazards of
25 such open canals or ditches, and the right to cause to be
26 constructed, installed, and maintained upon or adjacent to such
27 rights-of-way safeguards as provided in RCW 35.43.040: PROVIDED, That
28 such safeguards must not unreasonably interfere with maintenance of
29 the canal or ditch or with the operation thereof. The city or town,
30 at its option, notwithstanding any laws to the contrary, may require
31 the irrigation, drainage, flood control, or other district, agency,
32 person, corporation, or association maintaining the canal or ditch to
33 supervise the installation and construction of such safeguards, or to
34 maintain the same. If such option is exercised reimbursement must be
35 made by the city or town for all actual costs thereof.

36 **Sec. 25.** RCW 35.67.310 and 1965 c 7 s 35.67.310 are each amended
37 to read as follows:

1 Every city or town may permit connections with any of its sewers,
2 either directly or indirectly, from property beyond its limits, upon
3 such terms, conditions and payments as may be prescribed by
4 ordinance, which may be required by the city or town to be evidenced
5 by a written agreement between the city or town and the owner of the
6 property to be served by the connecting sewer.

7 If any such agreement is made and filed with the county auditor
8 of the county in which said property is located, it shall constitute
9 a covenant running with the land and the agreements and covenants
10 therein shall be binding on the owner and all persons subsequently
11 acquiring any right, title or interest in or to said property.

12 If the terms and conditions of the ordinance or of the agreement
13 are not kept and performed, or the payments made, as required, the
14 city or town may disconnect the sewer and for that purpose may at any
15 time enter upon any public street or road or upon said property. Any
16 such entry is subject to RCW 9A.52.070 and 9A.52.080.

17 **Sec. 26.** RCW 35.80.030 and 2005 c 364 s 3 are each amended to
18 read as follows:

19 (1) Whenever the local governing body of a municipality finds
20 that one or more conditions of the character described in RCW
21 35.80.010 exist within its territorial limits, that governing body
22 may adopt ordinances relating to such dwellings, buildings,
23 structures, or premises. Such ordinances may provide for the
24 following:

25 (a) That an "improvement board" or officer be designated or
26 appointed to exercise the powers assigned to such board or officer by
27 the ordinance as specified in this section. The board or officer may
28 be an existing municipal board or officer in the municipality, or may
29 be a separate board or officer appointed solely for the purpose of
30 exercising the powers assigned by the ordinance.

31 If a board is created, the ordinance shall specify the terms,
32 method of appointment, and type of membership of the board, which may
33 be limited, if the local governing body chooses, to public officers
34 under this section.

35 (b) That if a board is created, a public officer, other than a
36 member of the improvement board, may be designated to work with the
37 board and carry out the duties and exercise the powers assigned to
38 the public officer by the ordinance.

1 (c) That if, after a preliminary investigation of any dwelling,
2 building, structure, or premises, the board or officer finds that it
3 is unfit for human habitation or other use, he or she shall cause to
4 be served either personally or by certified mail, with return receipt
5 requested, upon all persons having any interest therein, as shown
6 upon the records of the auditor's office of the county in which such
7 property is located, and shall post in a conspicuous place on such
8 property, a complaint stating in what respects such dwelling,
9 building, structure, or premises is unfit for human habitation or
10 other use. If the whereabouts of any of such persons is unknown and
11 the same cannot be ascertained by the board or officer in the
12 exercise of reasonable diligence, and the board or officer makes an
13 affidavit to that effect, then the serving of such complaint or order
14 upon such persons may be made either by personal service or by
15 mailing a copy of the complaint and order by certified mail, postage
16 prepaid, return receipt requested, to each such person at the address
17 of the building involved in the proceedings, and mailing a copy of
18 the complaint and order by first-class mail to any address of each
19 such person in the records of the county assessor or the county
20 auditor for the county where the property is located. Such complaint
21 shall contain a notice that a hearing will be held before the board
22 or officer, at a place therein fixed, not less than ten days nor more
23 than thirty days after the serving of the complaint; and that all
24 parties in interest shall be given the right to file an answer to the
25 complaint, to appear in person, or otherwise, and to give testimony
26 at the time and place in the complaint. The rules of evidence
27 prevailing in courts of law or equity shall not be controlling in
28 hearings before the board or officer. A copy of such complaint shall
29 also be filed with the auditor of the county in which the dwelling,
30 building, structure, or premises is located, and such filing of the
31 complaint or order shall have the same force and effect as other lis
32 pendens notices provided by law.

33 (d) That the board or officer may determine that a dwelling,
34 building, structure, or premises is unfit for human habitation or
35 other use if it finds that conditions exist in such dwelling,
36 building, structure, or premises which are dangerous or injurious to
37 the health or safety of the occupants of such dwelling, building,
38 structure, or premises, the occupants of neighboring dwellings, or
39 other residents of such municipality. Such conditions may include the
40 following, without limitations: Defects therein increasing the

1 hazards of fire or accident; inadequate ventilation, light, or
2 sanitary facilities, dilapidation, disrepair, structural defects,
3 uncleanliness, overcrowding, or inadequate drainage. The ordinance
4 shall state reasonable and minimum standards covering such
5 conditions, including those contained in ordinances adopted in
6 accordance with subsection (7)(a) of this section, to guide the board
7 or the public officer and the agents and employees of either, in
8 determining the fitness of a dwelling for human habitation, or
9 building, structure, or premises for other use.

10 (e) That the determination of whether a dwelling, building,
11 structure, or premises should be repaired or demolished, shall be
12 based on specific stated standards on (i) the degree of structural
13 deterioration of the dwelling, building, structure, or premises, or
14 (ii) the relationship that the estimated cost of repair bears to the
15 value of the dwelling, building, structure, or premises, with the
16 method of determining this value to be specified in the ordinance.

17 (f) That if, after the required hearing, the board or officer
18 determines that the dwelling is unfit for human habitation, or
19 building or structure or premises is unfit for other use, it shall
20 state in writing its findings of fact in support of such
21 determination, and shall issue and cause to be served upon the owner
22 or party in interest thereof, as is provided in (c) of this
23 subsection, and shall post in a conspicuous place on the property, an
24 order that (i) requires the owner or party in interest, within the
25 time specified in the order, to repair, alter, or improve such
26 dwelling, building, structure, or premises to render it fit for human
27 habitation, or for other use, or to vacate and close the dwelling,
28 building, structure, or premises, if such course of action is deemed
29 proper on the basis of the standards set forth as required in (e) of
30 this subsection; or (ii) requires the owner or party in interest,
31 within the time specified in the order, to remove or demolish such
32 dwelling, building, structure, or premises, if this course of action
33 is deemed proper on the basis of those standards. If no appeal is
34 filed, a copy of such order shall be filed with the auditor of the
35 county in which the dwelling, building, structure, or premises is
36 located.

37 (g) That the owner or any party in interest, within thirty days
38 from the date of service upon the owner and posting of an order
39 issued by the board under (c) of this subsection, may file an appeal
40 with the appeals commission.

1 The local governing body of the municipality shall designate or
2 establish a municipal agency to serve as the appeals commission. The
3 local governing body shall also establish rules of procedure adequate
4 to assure a prompt and thorough review of matters submitted to the
5 appeals commission, and such rules of procedure shall include the
6 following, without being limited thereto: (i) All matters submitted
7 to the appeals commission must be resolved by the commission within
8 sixty days from the date of filing therewith and (ii) a transcript of
9 the findings of fact of the appeals commission shall be made
10 available to the owner or other party in interest upon demand.

11 The findings and orders of the appeals commission shall be
12 reported in the same manner and shall bear the same legal
13 consequences as if issued by the board, and shall be subject to
14 review only in the manner and to the extent provided in subsection
15 (2) of this section.

16 If the owner or party in interest, following exhaustion of his or
17 her rights to appeal, fails to comply with the final order to repair,
18 alter, improve, vacate, close, remove, or demolish the dwelling,
19 building, structure, or premises, the board or officer may, subject
20 to RCW 9A.52.070 and 9A.52.080, direct or cause such dwelling,
21 building, structure, or premises to be repaired, altered, improved,
22 vacated, and closed, removed, or demolished.

23 (h) That the amount of the cost of such repairs, alterations or
24 improvements; or vacating and closing; or removal or demolition by
25 the board or officer, shall be assessed against the real property
26 upon which such cost was incurred unless such amount is previously
27 paid. For purposes of this subsection, the cost of vacating and
28 closing shall include (i) the amount of relocation assistance
29 payments that a property owner has not repaid to a municipality or
30 other local government entity that has advanced relocation assistance
31 payments to tenants under RCW 59.18.085 and (ii) all penalties and
32 interest that accrue as a result of the failure of the property owner
33 to timely repay the amount of these relocation assistance payments
34 under RCW 59.18.085. Upon certification to him or her by the
35 treasurer of the municipality in cases arising out of the city or
36 town or by the county improvement board or officer, in cases arising
37 out of the county, of the assessment amount being due and owing, the
38 county treasurer shall enter the amount of such assessment upon the
39 tax rolls against the property for the current year and the same
40 shall become a part of the general taxes for that year to be

1 collected at the same time and with interest at such rates and in
2 such manner as provided for in RCW 84.56.020 for delinquent taxes,
3 and when collected to be deposited to the credit of the general fund
4 of the municipality. If the dwelling, building, structure, or
5 premises is removed or demolished by the board or officer, the board
6 or officer shall, if possible, sell the materials of such dwelling,
7 building, structure, or premises in accordance with procedures set
8 forth in the ordinance, and shall credit the proceeds of such sale
9 against the cost of the removal or demolition and if there be any
10 balance remaining, it shall be paid to the parties entitled thereto,
11 as determined by the board or officer, after deducting the costs
12 incident thereto.

13 The assessment shall constitute a lien against the property which
14 shall be of equal rank with state, county and municipal taxes.

15 (2) Any person affected by an order issued by the appeals
16 commission pursuant to subsection (1)(g) of this section may, within
17 thirty days after the posting and service of the order, petition to
18 the superior court for an injunction restraining the public officer
19 or members of the board from carrying out the provisions of the
20 order. In all such proceedings the court is authorized to affirm,
21 reverse, or modify the order and such trial shall be heard de novo.

22 (3) An ordinance adopted by the local governing body of the
23 municipality may authorize the board or officer to exercise such
24 powers as may be necessary or convenient to carry out and effectuate
25 the purposes and provisions of this section. These powers shall
26 include the following in addition to others granted in this section:

27 (a)(i) To determine which dwellings within the municipality are unfit
28 for human habitation; (ii) to determine which buildings, structures,
29 or premises are unfit for other use; (b) to administer oaths and
30 affirmations, examine witnesses, and receive evidence; and (c) to
31 investigate the dwelling and other property conditions in the
32 municipality or county and, subject to RCW 9A.52.070 and 9A.52.080,
33 to enter upon premises for the purpose of making examinations when
34 the board or officer has reasonable ground for believing they are
35 unfit for human habitation, or for other use: PROVIDED, That such
36 entries shall be made in such manner as to cause the least possible
37 inconvenience to the persons in possession, and to obtain an order
38 for this purpose after submitting evidence in support of an
39 application which is adequate to justify such an order from a court
40 of competent jurisdiction in the event entry is denied or resisted.

1 (4) The local governing body of any municipality adopting an
2 ordinance pursuant to this chapter may appropriate the necessary
3 funds to administer such ordinance.

4 (5) This section does not abrogate or impair the powers of the
5 courts or of any department of any municipality to enforce any
6 provisions of its charter or its ordinances or regulations, nor to
7 prevent or punish violations thereof; and the powers conferred by
8 this section shall be in addition and supplemental to the powers
9 conferred by any other law.

10 (6) This section does not impair or limit in any way the power of
11 the municipality to define and declare nuisances and to cause their
12 removal or abatement, by summary proceedings or otherwise.

13 (7) Any municipality may by ordinance adopted by its governing
14 body (a) prescribe minimum standards for the use and occupancy of
15 dwellings throughout the municipality or county, (b) prescribe
16 minimum standards for the use or occupancy of any building,
17 structure, or premises used for any other purpose, (c) prevent the
18 use or occupancy of any dwelling, building, structure, or premises,
19 that is injurious to the public health, safety, morals, or welfare,
20 and (d) prescribe punishment for the violation of any provision of
21 such ordinance.

22 **Sec. 27.** RCW 35.80A.040 and 1989 c 271 s 242 are each amended to
23 read as follows:

24 Every county, city, or town may, in addition to any other
25 authority granted by this chapter: (1) Subject to RCW 9A.52.070 and
26 9A.52.080, enter upon any building or property found to constitute a
27 blight on the surrounding neighborhood in order to make surveys and
28 appraisals, and to obtain an order for this purpose from a court of
29 competent jurisdiction in the event entry is denied or resisted; and
30 (2) borrow money, apply for, and accept, advances, loans, grants,
31 contributions, and any other form of financial assistance from the
32 federal government, the state, a county, or other public body, or
33 from any sources, public or private, for the purposes of this
34 chapter, and enter into and carry out contracts in connection
35 herewith.

36 **Sec. 28.** RCW 35.81.070 and 2002 c 218 s 7 are each amended to
37 read as follows:

1 Every municipality shall have all the powers necessary or
2 convenient to carry out and effectuate the purposes and provisions of
3 this chapter, including the following powers in addition to others
4 granted under this chapter:

5 (1) To undertake and carry out community renewal projects within
6 the municipality, to make and execute contracts and other instruments
7 necessary or convenient to the exercise of its powers under this
8 chapter, and to disseminate blight clearance and community renewal
9 information.

10 (2) To provide or to arrange or contract for the furnishing or
11 repair by any person or agency, public or private, of services,
12 privileges, works, streets, roads, public utilities or other
13 facilities for, or in connection with, a community renewal project;
14 to install, construct, and reconstruct streets, utilities, parks,
15 playgrounds, and other public improvements; and to agree to any
16 conditions that it may deem reasonable and appropriate attached to
17 federal financial assistance and imposed pursuant to federal law
18 relating to the determination of prevailing salaries or wages or
19 compliance with labor standards, in the undertaking or carrying out
20 of a community renewal project, and to include in any contract let in
21 connection with such a project, provisions to fulfill such of said
22 conditions as it may deem reasonable and appropriate.

23 (3) To provide financial or technical assistance, using available
24 public or private funds, to a person or public body for the purpose
25 of creating or retaining jobs, a substantial portion of which, as
26 determined by the municipality, shall be for persons of low income.

27 (4) To make payments, loans, or grants to, provide assistance to,
28 and contract with existing or new owners and tenants of property in
29 the community renewal areas as compensation for any adverse impacts,
30 such as relocation or interruption of business, that may be caused by
31 the implementation of a community renewal project, and/or
32 consideration for commitments to develop, expand, or retain land uses
33 that contribute to the success of the project or plan, including
34 without limitation businesses that will create or retain jobs, a
35 substantial portion of which, as determined by the municipality,
36 shall be for persons of low income.

37 (5) To contract with a person or public body to provide financial
38 assistance, authorized under this section, to property owners and
39 tenants impacted by the implementation of the community renewal plan
40 and to provide incentives to property owners and tenants to encourage

1 them to locate in the community renewal area after adoption of the
2 community renewal plan.

3 (6) Within the municipality and subject to RCW 9A.52.070 and
4 9A.52.080, to enter upon any building or property in any community
5 renewal area, in order to make surveys and appraisals, provided that
6 such entries shall be made in such a manner as to cause the least
7 possible inconvenience to the persons in possession, and to obtain an
8 order for this purpose from a court of competent jurisdiction in the
9 event entry is denied or resisted; to acquire by purchase, lease,
10 option, gift, grant, bequest, devise, eminent domain, or otherwise,
11 any real property and such personal property as may be necessary for
12 the administration of the provisions herein contained, together with
13 any improvements thereon; to hold, improve, clear, or prepare for
14 redevelopment any such property; to dispose of any real property; to
15 insure or provide for the insurance of any real or personal property
16 or operations of the municipality against any risks or hazards,
17 including the power to pay premiums on any such insurance: PROVIDED,
18 That no statutory provision with respect to the acquisition,
19 clearance, or disposition of property by public bodies shall restrict
20 a municipality in the exercise of such functions with respect to a
21 community renewal project.

22 (7) To invest any community renewal project funds held in
23 reserves or sinking funds or any such funds which are not required
24 for immediate disbursement, in property or securities in which mutual
25 savings banks may legally invest funds subject to their control; to
26 redeem such bonds as have been issued pursuant to RCW 35.81.100 at
27 the redemption price established therein or to purchase such bonds at
28 less than redemption price, all such bonds so redeemed or purchased
29 to be canceled.

30 (8) To borrow money and to apply for, and accept, advances,
31 loans, grants, contributions and any other form of financial
32 assistance from the federal government, the state, county, or other
33 public body, or from any sources, public or private, for the purposes
34 of this chapter, and to enter into and carry out contracts in
35 connection therewith. A municipality may include in any application
36 or contract for financial assistance with the federal government for
37 a community renewal project such conditions imposed pursuant to
38 federal laws as the municipality may deem reasonable and appropriate
39 and which are not inconsistent with the purposes of this chapter.

1 (9) Within the municipality, to make or have made all plans
2 necessary to the carrying out of the purposes of this chapter and to
3 contract with any person, public or private, in making and carrying
4 out such plans and to adopt or approve, modify, and amend such plans.
5 Such plans may include, without limitation: (a) A comprehensive plan
6 or parts thereof for the locality as a whole, (b) community renewal
7 plans, (c) plans for carrying out a program of voluntary or
8 compulsory repair and rehabilitation of buildings and improvements,
9 (d) plans for the enforcement of state and local laws, codes, and
10 regulations relating to the use of land and the use and occupancy of
11 buildings and improvements and to the compulsory repair,
12 rehabilitation, demolition, or removal of buildings and improvements,
13 (e) appraisals, title searches, surveys, studies, and other
14 preliminary plans and work necessary to prepare for the undertaking
15 of community renewal projects, and (f) plans to provide financial or
16 technical assistance to a person or public body for the purpose of
17 creating or retaining jobs, a substantial portion of which, as
18 determined by the municipality, shall be for persons of low income.
19 The municipality is authorized to develop, test, and report methods
20 and techniques, and carry out demonstrations and other activities,
21 for the prevention and the elimination of blight, for job creation or
22 retention activities, and to apply for, accept, and utilize grants
23 of, funds from the federal government for such purposes.

24 (10) To prepare plans for the relocation of families displaced
25 from a community renewal area, and to coordinate public and private
26 agencies in such relocation, including requesting such assistance for
27 this purpose as is available from other private and governmental
28 agencies, both for the municipality and other parties.

29 (11) To appropriate such funds and make such expenditures as may
30 be necessary to carry out the purposes of this chapter, and in
31 accordance with state law: (a) Levy taxes and assessments for such
32 purposes; (b) acquire land either by negotiation or eminent domain,
33 or both; (c) close, vacate, plan, or replan streets, roads,
34 sidewalks, ways, or other places; (d) plan or replan, zone or rezone
35 any part of the municipality; (e) adopt annual budgets for the
36 operation of a community renewal agency, department, or offices
37 vested with community renewal project powers under RCW 35.81.150; and
38 (f) enter into agreements with such agencies or departments (which
39 agreements may extend over any period) respecting action to be taken

1 by such municipality pursuant to any of the powers granted by this
2 chapter.

3 (12) Within the municipality, to organize, coordinate, and direct
4 the administration of the provisions of this chapter as they apply to
5 such municipality in order that the objective of remedying blighted
6 areas and preventing the causes thereof within such municipality may
7 be most effectively promoted and achieved, and to establish such new
8 office or offices of the municipality or to reorganize existing
9 offices in order to carry out such purpose most effectively.

10 (13) To contract with a person or public body to assist in
11 carrying out the purposes of this chapter.

12 (14) To exercise all or any part or combination of powers herein
13 granted.

14 **Sec. 29.** RCW 36.70.500 and 1963 c 4 s 36.70.500 are each amended
15 to read as follows:

16 In the performance of their functions and duties, duly authorized
17 members of a commission or planning staff may, subject to RCW
18 9A.52.070 and 9A.52.080, enter upon any land and make examinations
19 and surveys: PROVIDED, That such entries, examinations and surveys do
20 not damage or interfere with the use of the land by those persons
21 lawfully entitled to the possession thereof.

22 **Sec. 30.** RCW 36.88.390 and 1963 c 4 s 36.88.390 are each amended
23 to read as follows:

24 Every county (~~shall have the right of entry~~) may, subject to
25 RCW 9A.52.070 and 9A.52.080, enter upon every irrigation, drainage,
26 or flood control canal or ditch right-of-way within its boundaries
27 for all purposes necessary to safeguard the public from the hazards
28 of open canals or ditches, including the right to clean such canals
29 or ditches to prevent their flooding adjacent lands, and the right to
30 cause to be constructed and maintained on such rights-of-way or
31 adjacent thereto safeguards as authorized by RCW 36.88.015: PROVIDED,
32 That such safeguards must not unreasonably interfere with maintenance
33 of the canal or ditch or with the operation thereof.

34 **Sec. 31.** RCW 38.32.030 and 2011 c 336 s 768 are each amended to
35 read as follows:

36 No person belonging to the military forces of this state shall be
37 arrested on any warrant, except for treason or felony, while going

1 to, remaining at, or returning from any place at which he or she may
2 be required to attend military duty. Any members of the organized
3 militia parading, or performing any duty according to the law shall
4 have the right-of-way in any street or highway through which they may
5 pass and while on field duty (~~shall have the right to~~) may, subject
6 to RCW 9A.52.070 and 9A.52.080, enter upon, cross, or occupy any
7 uninclosed lands, or any inclosed lands where no damage will be
8 caused thereby: PROVIDED, That the carriage of the United States mail
9 and legitimate functions of the police and fire departments shall not
10 be interfered with thereby.

11 **Sec. 32.** RCW 43.30.450 and 2003 c 334 s 204 are each amended to
12 read as follows:

13 Any authorized assistants, employees, agents, appointees, or
14 representatives of the department may, subject to RCW 9A.52.070 and
15 9A.52.080, in the course of their inspection and enforcement duties
16 as provided for in chapters 76.04, 76.06, 76.09, and 76.36 RCW, enter
17 upon any lands, real estate, waters, or premises except the dwelling
18 house or appurtenant buildings in this state whether public or
19 private and remain thereon while performing such duties. Similar
20 entry by the department may be made for the purpose of making
21 examinations, locations, surveys, and/or appraisals of all lands
22 under the management and jurisdiction of the department; or for
23 making examinations, appraisals and, after five days' written notice
24 to the landowner, making surveys for the purpose of possible
25 acquisition of property to provide public access to public lands. In
26 no event other than an emergency such as firefighting shall motor
27 vehicles be used to cross a field customarily cultivated, without
28 prior consent of the owner. (~~None of the entries herein provided for~~
29 ~~shall constitute trespass, but~~) Nothing contained herein shall limit
30 or diminish any liability which would otherwise exist as a result of
31 the acts or omissions of the department or its representatives.

32 **Sec. 33.** RCW 43.44.010 and 1995 c 369 s 25 are each amended to
33 read as follows:

34 (1) The chief of the Washington state patrol, through the
35 director of fire protection or his or her authorized deputy, (~~shall~~
36 ~~have authority at all times of day and night, in the performance of~~
37 ~~duties imposed by this chapter, to~~) may, subject to RCW 9A.52.070
38 and 9A.52.080, enter upon and examine any building or premises where

1 any fire has occurred and other buildings and premises adjoining or
2 near thereto.

3 (2) The chief of the Washington state patrol, through the
4 director of fire protection or his or her authorized deputy, shall
5 have authority at any reasonable hour to enter into any public
6 building or premises or any building or premises used for public
7 purposes to inspect for fire hazards.

8 **Sec. 34.** RCW 43.44.020 and 1995 c 369 s 26 are each amended to
9 read as follows:

10 (1) The chief of the Washington state patrol, through the
11 director of fire protection or his or her authorized deputy, (~~shall~~
12 ~~have authority to~~) may, subject to RCW 9A.52.070 and 9A.52.080,
13 enter upon all premises and into all buildings except private
14 dwellings for the purpose of inspection to ascertain if any fire
15 hazard exists, and to require conformance with minimum standards for
16 the prevention of fire and for the protection of life and property
17 against fire and panic as to use of premises, and may adopt by
18 reference nationally recognized standards applicable to local
19 conditions.

20 (2) The chief of the Washington state patrol, through the
21 director of fire protection or his or her authorized deputy, may,
22 upon request by the chief fire official or the local governing body
23 or of taxpayers of such area, assist in the enforcement of any such
24 code.

25 **Sec. 35.** RCW 43.92.080 and 2006 c 340 s 8 are each amended to
26 read as follows:

27 In order to carry out the purposes of this chapter, all persons
28 employed by the department of natural resources to carry out the
29 duties of this chapter (~~are authorized to~~) may, subject to RCW
30 9A.52.070 and 9A.52.080, enter and cross all land within the state as
31 long as no damage is done to private property.

32 **Sec. 36.** RCW 43.190.080 and 2013 c 23 s 95 are each amended to
33 read as follows:

34 (1) The office of the state long-term care ombuds shall develop
35 procedures, subject to RCW 9A.52.070 and 9A.52.080, governing the
36 right of entry of all long-term care ombuds to long-term care
37 facilities and, subject to RCW 9A.52.070 and 9A.52.080, shall have

1 access to residents with provisions made for privacy for the purpose
2 of hearing, investigating, and resolving complaints of, and rendering
3 advice to, individuals who are patients or residents of the
4 facilities at any time deemed necessary and reasonable by the state
5 ombuds to effectively carry out the provisions of this chapter.

6 (2) Nothing in this chapter restricts, limits, or increases any
7 existing right of any organizations or individuals not described in
8 subsection (1) of this section to enter or provide assistance to
9 patients or residents of long-term care facilities.

10 (3) Nothing in this chapter restricts any right or privilege of
11 any patient or resident of a long-term care facility to receive
12 visitors of his or her choice.

13 **Sec. 37.** RCW 47.01.170 and 1984 c 7 s 77 are each amended to
14 read as follows:

15 The department or its duly authorized and acting assistants,
16 agents, or appointees (~~((have the right to))~~) may, subject to RCW
17 9A.52.070 and 9A.52.080, enter upon any land, real estate, or
18 premises in this state, whether public or private, for purposes of
19 making examinations, locations, surveys, and appraisals for highway
20 purposes. (~~((The making of any such entry for those purposes does not~~
21 ~~constitute any trespass by the department or by its duly authorized~~
22 ~~and acting assistants, agents, or appointees.))~~)

23 **Sec. 38.** RCW 47.41.070 and 2003 c 53 s 261 are each amended to
24 read as follows:

25 (1) If the owner of the land upon which any such junkyard is
26 located, or the operator thereof, as the case may be, fails to comply
27 with the notice or remove any such junk within the time provided in
28 this chapter after being so notified, he or she is guilty of a
29 misdemeanor. In addition to the penalties imposed by law upon
30 conviction, an order may be entered compelling compliance with this
31 chapter. Each day the junkyard is maintained in a manner so as not to
32 comply with this chapter constitutes a separate offense.

33 (2) If the operator of the junkyard or the owner of the property
34 upon which it is located, as the case may be, is not found or refuses
35 receipt of the notice, the department, the chief of the Washington
36 state patrol, the county sheriff, or the chief of police of any city
37 or town shall post the property upon which it is located with a
38 notice that the junkyard constitutes a public nuisance and that the

1 junk thereon must be removed as provided in this chapter. If the
2 notice is not complied with, the department, the chief of the
3 Washington state patrol, the county sheriff, or the chief of police
4 of any city or town shall abate the nuisance and remove the junk, and
5 for that purpose may, subject to RCW 9A.52.070 and 9A.52.080, enter
6 upon private property without incurring liability for doing so.

7 **Sec. 39.** RCW 47.42.080 and 2013 c 312 s 2 are each amended to
8 read as follows:

9 (1) Any sign erected or maintained contrary to the provisions of
10 this chapter or rules adopted hereunder that is designed to be viewed
11 from the interstate system, the primary system, or the scenic system
12 is a public nuisance, and the department, the chief of the Washington
13 state patrol, the county sheriff, or the chief of police of any city
14 or town shall notify the permittee or, if there is no permittee, the
15 owner of the property on which the sign is located, by certified mail
16 at his or her last known address, that it constitutes a public
17 nuisance and must comply with the chapter or be removed.

18 (2) If the permittee or owner, as the case may be, fails to
19 comply with the chapter or remove any such sign within fifteen days
20 after being notified to remove the sign he or she is guilty of a
21 misdemeanor. In addition to the penalties imposed by law upon
22 conviction, an order may be entered compelling removal of the sign.
23 Each day the sign is maintained constitutes a separate offense.

24 (3) If the permittee or owner, as the case may be, fails to
25 comply with this chapter or rules adopted under this chapter or fails
26 to remove any sign erected or maintained contrary to the provisions
27 of this chapter or rules adopted under this chapter within fifteen
28 days after being notified to remove the sign, the department shall
29 assess a fine of one hundred dollars per calendar day until the sign
30 is brought into compliance or is removed. The one hundred dollar per
31 calendar day fine is not contingent on a misdemeanor conviction.
32 Fines collected under this subsection must be deposited with the
33 state treasurer to the credit of the motor vehicle fund.

34 (4) If the permittee or the owner of the property upon which it
35 is located, as the case may be, is not found or refuses receipt of
36 the notice, the department, the chief of the Washington state patrol,
37 the county sheriff, or the chief of police of any city or town shall
38 post the sign and property upon which it is located with a notice
39 that the sign constitutes a public nuisance and must be removed. If

1 the sign is not removed within fifteen days after such posting, the
2 department, the chief of the Washington state patrol, the county
3 sheriff, or the chief of police of any city or town shall abate the
4 nuisance and destroy the sign, and for that purpose may, subject to
5 RCW 9A.52.070 and 9A.52.080, enter upon private property without
6 incurring liability for doing so.

7 (5) Nothing in this section may be construed to affect the
8 provisions contained in RCW 47.42.102 requiring the payment of
9 compensation upon the removal of any signs compensable under state
10 law.

11 (6) Any sign erected or maintained on state highway right-of-way
12 contrary to this chapter or rules adopted under it is a public
13 nuisance, and the department is authorized to remove any such sign
14 without notice.

15 **Sec. 40.** RCW 57.08.005 and 2009 c 253 s 1 are each amended to
16 read as follows:

17 A district shall have the following powers:

18 (1) To acquire by purchase or condemnation, or both, all lands,
19 property and property rights, and all water and water rights, both
20 within and without the district, necessary for its purposes. The
21 right of eminent domain shall be exercised in the same manner and by
22 the same procedure as provided for cities and towns, insofar as
23 consistent with this title, except that all assessment or
24 reassessment rolls to be prepared and filed by eminent domain
25 commissioners or commissioners appointed by the court shall be
26 prepared and filed by the district, and the duties devolving upon the
27 city treasurer are imposed upon the county treasurer;

28 (2) To lease real or personal property necessary for its purposes
29 for a term of years for which that leased property may reasonably be
30 needed;

31 (3) To construct, condemn and purchase, add to, maintain, and
32 supply waterworks to furnish the district and inhabitants thereof and
33 any other persons, both within and without the district, with an
34 ample supply of water for all uses and purposes public and private
35 with full authority to regulate and control the use, content,
36 distribution, and price thereof in such a manner as is not in
37 conflict with general law and may construct, acquire, or own
38 buildings and other necessary district facilities. Where a customer
39 connected to the district's system uses the water on an intermittent

1 or transient basis, a district may charge for providing water service
2 to such a customer, regardless of the amount of water, if any, used
3 by the customer. District waterworks may include facilities which
4 result in combined water supply and electric generation, if the
5 electricity generated thereby is a by-product of the water supply
6 system. That electricity may be used by the district or sold to any
7 entity authorized by law to use or distribute electricity.
8 Electricity is deemed a by-product when the electrical generation is
9 subordinate to the primary purpose of water supply. For such
10 purposes, a district may take, condemn and purchase, acquire, and
11 retain water from any public or navigable lake, river or watercourse,
12 or any underflowing water, and by means of aqueducts or pipeline
13 conduct the same throughout the district and any city or town therein
14 and carry it along and upon public highways, roads, and streets,
15 within and without such district. For the purpose of constructing or
16 laying aqueducts or pipelines, dams, or waterworks or other necessary
17 structures in storing and retaining water or for any other lawful
18 purpose such district may, subject to RCW 9A.52.070 and 9A.52.080,
19 occupy the beds and shores up to the high water mark of any such
20 lake, river, or other watercourse, and may acquire by purchase or
21 condemnation such property or property rights or privileges as may be
22 necessary to protect its water supply from pollution. For the
23 purposes of waterworks which include facilities for the generation of
24 electricity as a by-product, nothing in this section may be construed
25 to authorize a district to condemn electric generating, transmission,
26 or distribution rights or facilities of entities authorized by law to
27 distribute electricity, or to acquire such rights or facilities
28 without the consent of the owner;

29 (4) To purchase and take water from any municipal corporation,
30 private person, or entity. A district contiguous to Canada may
31 contract with a Canadian corporation for the purchase of water and
32 for the construction, purchase, maintenance, and supply of waterworks
33 to furnish the district and inhabitants thereof and residents of
34 Canada with an ample supply of water under the terms approved by the
35 board of commissioners;

36 (5) To construct, condemn and purchase, add to, maintain, and
37 operate systems of sewers for the purpose of furnishing the district,
38 the inhabitants thereof, and persons outside the district with an
39 adequate system of sewers for all uses and purposes, public and
40 private, including but not limited to on-site sewage disposal

1 facilities, approved septic tanks or approved septic tank systems,
2 on-site sanitary sewerage systems, inspection services and
3 maintenance services for private and public on-site systems, point
4 and nonpoint water pollution monitoring programs that are directly
5 related to the sewerage facilities and programs operated by a
6 district, other facilities, programs, and systems for the collection,
7 interception, treatment, and disposal of wastewater, and for the
8 control of pollution from wastewater with full authority to regulate
9 the use and operation thereof and the service rates to be charged.
10 Under this chapter, after July 1, 1998, any requirements for pumping
11 the septic tank of an on-site sewage system should be based, among
12 other things, on actual measurement of accumulation of sludge and
13 scum by a trained inspector, trained owner's agent, or trained owner.
14 Training must occur in a program approved by the state board of
15 health or by a local health officer. Sewage facilities may include
16 facilities which result in combined sewage disposal or treatment and
17 electric or methane gas generation, except that the electricity or
18 methane gas generated thereby is a by-product of the system of
19 sewers. Such electricity or methane gas may be used by the district
20 or sold to any entity authorized by law to distribute electricity or
21 methane gas. Electricity and methane gas are deemed by-products when
22 the electrical or methane gas generation is subordinate to the
23 primary purpose of sewage disposal or treatment. The district may
24 also sell surplus methane gas, which may be produced as a by-product.
25 For such purposes a district may conduct sewage throughout the
26 district and throughout other political subdivisions within the
27 district, and construct and lay sewer pipe along and upon public
28 highways, roads, and streets, within and without the district, and
29 condemn and purchase or acquire land and rights-of-way necessary for
30 such sewer pipe. A district may erect sewage treatment plants within
31 or without the district, and may acquire, by purchase or
32 condemnation, properties or privileges necessary to be had to protect
33 any lakes, rivers, or watercourses and also other areas of land from
34 pollution from its sewers or its sewage treatment plant. For the
35 purposes of sewage facilities which include facilities that result in
36 combined sewage disposal or treatment and electric generation where
37 the electric generation is a by-product, nothing in this section may
38 be construed to authorize a district to condemn electric generating,
39 transmission, or distribution rights or facilities of entities

1 authorized by law to distribute electricity, or to acquire such
2 rights or facilities without the consent of the owners;

3 (6) The authority to construct, condemn and purchase, add to,
4 maintain, and operate systems of reclaimed water as authorized by
5 chapter 90.46 RCW for the purpose of furnishing the district and the
6 inhabitants thereof with reclaimed water for all authorized uses and
7 purposes, public and private, including with full authority to
8 regulate the use and operation thereof and the service rates to be
9 charged. In compliance with other sections of this chapter, a
10 district may also provide reclaimed water services to persons outside
11 the district;

12 (7)(a) To construct, condemn and purchase, add to, maintain, and
13 operate systems of drainage for the benefit and use of the district,
14 the inhabitants thereof, and persons outside the district with an
15 adequate system of drainage, including but not limited to facilities
16 and systems for the collection, interception, treatment, and disposal
17 of storm or surface waters, and for the protection, preservation, and
18 rehabilitation of surface and underground waters, and drainage
19 facilities for public highways, streets, and roads, with full
20 authority to regulate the use and operation thereof and, except as
21 provided in (b) of this subsection, the service rates to be charged.

22 (b) The rate a district may charge under this section for storm
23 or surface water sewer systems or the portion of the rate allocable
24 to the storm or surface water sewer system of combined sanitary
25 sewage and storm or surface water sewer systems shall be reduced by a
26 minimum of ten percent for any new or remodeled commercial building
27 that utilizes a permissive rainwater harvesting system. Rainwater
28 harvesting systems shall be properly sized to utilize the available
29 roof surface of the building. The jurisdiction shall consider rate
30 reductions in excess of ten percent dependent upon the amount of
31 rainwater harvested.

32 (c) Drainage facilities may include natural systems. Drainage
33 facilities may include facilities which result in combined drainage
34 facilities and electric generation, except that the electricity
35 generated thereby is a by-product of the drainage system. Such
36 electricity may be used by the district or sold to any entity
37 authorized by law to distribute electricity. Electricity is deemed a
38 by-product when the electrical generation is subordinate to the
39 primary purpose of drainage collection, disposal, and treatment. For
40 such purposes, a district may conduct storm or surface water

1 throughout the district and throughout other political subdivisions
2 within the district, construct and lay drainage pipe and culverts
3 along and upon public highways, roads, and streets, within and
4 without the district, and condemn and purchase or acquire land and
5 rights-of-way necessary for such drainage systems. A district may
6 provide or erect facilities and improvements for the treatment and
7 disposal of storm or surface water within or without the district,
8 and may acquire, by purchase or condemnation, properties or
9 privileges necessary to be had to protect any lakes, rivers, or
10 watercourses and also other areas of land from pollution from storm
11 or surface waters. For the purposes of drainage facilities which
12 include facilities that also generate electricity as a by-product,
13 nothing in this section may be construed to authorize a district to
14 condemn electric generating, transmission, or distribution rights or
15 facilities of entities authorized by law to distribute electricity,
16 or to acquire such rights or facilities without the consent of the
17 owners;

18 (8) To construct, condemn, acquire, and own buildings and other
19 necessary district facilities;

20 (9) To compel all property owners within the district located
21 within an area served by the district's system of sewers to connect
22 their private drain and sewer systems with the district's system
23 under such penalty as the commissioners shall prescribe by
24 resolution. The district may for such purpose, and subject to RCW
25 9A.52.070 and 9A.52.080, enter upon private property and connect the
26 private drains or sewers with the district system and the cost
27 thereof shall be charged against the property owner and shall be a
28 lien upon property served;

29 (10) Where a district contains within its borders, abuts, or is
30 located adjacent to any lake, stream, groundwater as defined by RCW
31 90.44.035, or other waterway within the state of Washington, to
32 provide for the reduction, minimization, or elimination of pollutants
33 from those waters in accordance with the district's comprehensive
34 plan, and to issue general obligation bonds, revenue bonds, local
35 improvement district bonds, or utility local improvement bonds for
36 the purpose of paying all or any part of the cost of reducing,
37 minimizing, or eliminating the pollutants from these waters;

38 (11) Subject to subsection (7) of this section, to fix rates and
39 charges for water, sewer, reclaimed water, and drain service supplied
40 and to charge property owners seeking to connect to the district's

1 systems, as a condition to granting the right to so connect, in
2 addition to the cost of the connection, such reasonable connection
3 charge as the board of commissioners shall determine to be proper in
4 order that those property owners shall bear their equitable share of
5 the cost of the system. For the purposes of calculating a connection
6 charge, the board of commissioners shall determine the pro rata share
7 of the cost of existing facilities and facilities planned for
8 construction within the next ten years and contained in an adopted
9 comprehensive plan and other costs borne by the district which are
10 directly attributable to the improvements required by property owners
11 seeking to connect to the system. The cost of existing facilities
12 shall not include those portions of the system which have been
13 donated or which have been paid for by grants. The connection charge
14 may include interest charges applied from the date of construction of
15 the system until the connection, or for a period not to exceed ten
16 years, whichever is shorter, at a rate commensurate with the rate of
17 interest applicable to the district at the time of construction or
18 major rehabilitation of the system, or at the time of installation of
19 the lines to which the property owner is seeking to connect. In lieu
20 of requiring the installation of permanent local facilities not
21 planned for construction by the district, a district may permit
22 connection to the water and/or sewer systems through temporary
23 facilities installed at the property owner's expense, provided the
24 property owner pays a connection charge consistent with the
25 provisions of this chapter and agrees, in the future, to connect to
26 permanent facilities when they are installed; or a district may
27 permit connection to the water and/or sewer systems through temporary
28 facilities and collect from property owners so connecting a
29 proportionate share of the estimated cost of future local facilities
30 needed to serve the property, as determined by the district. The
31 amount collected, including interest at a rate commensurate with the
32 rate of interest applicable to the district at the time of
33 construction of the temporary facilities, shall be held for
34 contribution to the construction of the permanent local facilities by
35 other developers or the district. The amount collected shall be
36 deemed full satisfaction of the proportionate share of the actual
37 cost of construction of the permanent local facilities. If the
38 permanent local facilities are not constructed within fifteen years
39 of the date of payment, the amount collected, including any accrued
40 interest, shall be returned to the property owner, according to the

1 records of the county auditor on the date of return. If the amount
2 collected is returned to the property owner, and permanent local
3 facilities capable of serving the property are constructed
4 thereafter, the property owner at the time of construction of such
5 permanent local facilities shall pay a proportionate share of the
6 cost of such permanent local facilities, in addition to reasonable
7 connection charges and other charges authorized by this section. A
8 district may permit payment of the cost of connection and the
9 reasonable connection charge to be paid with interest in installments
10 over a period not exceeding fifteen years. The county treasurer may
11 charge and collect a fee of three dollars for each year for the
12 treasurer's services. Those fees shall be a charge to be included as
13 part of each annual installment, and shall be credited to the county
14 current expense fund by the county treasurer. Revenues from
15 connection charges excluding permit fees are to be considered
16 payments in aid of construction as defined by department of revenue
17 rule. Rates or charges for on-site inspection and maintenance
18 services may not be imposed under this chapter on the development,
19 construction, or reconstruction of property.

20 Before adopting on-site inspection and maintenance utility
21 services, or incorporating residences into an on-site inspection and
22 maintenance or sewer utility under this chapter, notification must be
23 provided, prior to the applicable public hearing, to all residences
24 within the proposed service area that have on-site systems permitted
25 by the local health officer. The notice must clearly state that the
26 residence is within the proposed service area and must provide
27 information on estimated rates or charges that may be imposed for the
28 service.

29 A water-sewer district shall not provide on-site sewage system
30 inspection, pumping services, or other maintenance or repair services
31 under this section using water-sewer district employees unless the
32 on-site system is connected by a publicly owned collection system to
33 the water-sewer district's sewerage system, and the on-site system
34 represents the first step in the sewage disposal process.

35 Except as otherwise provided in RCW 90.03.525, any public entity
36 and public property, including the state of Washington and state
37 property, shall be subject to rates and charges for sewer, water,
38 storm water control, drainage, and street lighting facilities to the
39 same extent private persons and private property are subject to those
40 rates and charges that are imposed by districts. In setting those

1 rates and charges, consideration may be made of in-kind services,
2 such as stream improvements or donation of property;

3 (12) To contract with individuals, associations and corporations,
4 the state of Washington, and the United States;

5 (13) To employ such persons as are needed to carry out the
6 district's purposes and fix salaries and any bond requirements for
7 those employees;

8 (14) To contract for the provision of engineering, legal, and
9 other professional services as in the board of commissioner's
10 discretion is necessary in carrying out their duties;

11 (15) To sue and be sued;

12 (16) To loan and borrow funds and to issue bonds and instruments
13 evidencing indebtedness under chapter 57.20 RCW and other applicable
14 laws;

15 (17) To transfer funds, real or personal property, property
16 interests, or services subject to RCW 57.08.015;

17 (18) To levy taxes in accordance with this chapter and chapters
18 57.04 and 57.20 RCW;

19 (19) To provide for making local improvements and to levy and
20 collect special assessments on property benefited thereby, and for
21 paying for the same or any portion thereof in accordance with chapter
22 57.16 RCW;

23 (20) To establish street lighting systems under RCW 57.08.060;

24 (21) To exercise such other powers as are granted to water-sewer
25 districts by this title or other applicable laws; and

26 (22) To exercise any of the powers granted to cities and counties
27 with respect to the acquisition, construction, maintenance, operation
28 of, and fixing rates and charges for waterworks and systems of
29 sewerage and drainage.

30 **Sec. 41.** RCW 59.18.115 and 1989 c 342 s 16 are each amended to
31 read as follows:

32 (1) The legislature finds that some tenants live in residences
33 that are substandard and dangerous to their health and safety and
34 that the repair and deduct remedies of RCW 59.18.100 may not be
35 adequate to remedy substandard and dangerous conditions. Therefore,
36 an extraordinary remedy is necessary if the conditions substantially
37 endanger or impair the health and safety of the tenant.

38 (2)(a) If a landlord fails to fulfill any substantial obligation
39 imposed by RCW 59.18.060 that substantially endangers or impairs the

1 health or safety of a tenant, including (i) structural members that
2 are of insufficient size or strength to carry imposed loads with
3 safety, (ii) exposure of the occupants to the weather, (iii) plumbing
4 and sanitation defects that directly expose the occupants to the risk
5 of illness or injury, (iv) lack of water, including hot water, (v)
6 heating or ventilation systems that are not functional or are
7 hazardous, (vi) defective, hazardous, or missing electrical wiring or
8 electrical service, (vii) defective or inadequate exits that increase
9 the risk of injury to occupants, and (viii) conditions that increase
10 the risk of fire, the tenant shall give notice in writing to the
11 landlord, specifying the conditions, acts, omissions, or violations.
12 Such notice shall be sent to the landlord or to the person or place
13 where rent is normally paid.

14 (b) If after receipt of the notice described in (a) of this
15 subsection the landlord fails to remedy the condition or conditions
16 within a reasonable amount of time under RCW 59.18.070, the tenant
17 may request that the local government provide for an inspection of
18 the premises with regard to the specific condition or conditions that
19 exist as provided in (a) of this subsection. The local government
20 shall have the appropriate government official, or may designate a
21 public or disinterested private person or company capable of
22 conducting the inspection and making the certification, conduct an
23 inspection of the specific condition or conditions listed by the
24 tenant, and shall not inspect nor be liable for any other condition
25 or conditions of the premises. The purpose of this inspection is to
26 verify, to the best of the inspector's ability, whether the tenant's
27 listed condition or conditions exist and substantially endanger the
28 tenant's health or safety under (a) of this subsection; the
29 inspection is for the purposes of this private civil remedy, and
30 therefore shall not be related to any other governmental function
31 such as enforcement of any code, ordinance, or state law.

32 (c) The local government or its designee, after receiving the
33 request from the tenant to conduct an inspection under this section,
34 shall conduct the inspection and make any certification within a
35 reasonable amount of time not more than five days from the date of
36 receipt of the request. The local government or its designee may,
37 subject to RCW 9A.52.070 and 9A.52.080, enter the premises at any
38 reasonable time to do the inspection, provided that he or she first
39 shall display proper credentials and request entry. The local
40 government or its designee shall whenever practicable, taking into

1 consideration the imminence of any threat to the tenant's health or
2 safety, give the landlord at least twenty-four hours notice of the
3 date and time of inspection and provide the landlord with an
4 opportunity to be present at the time of the inspection. The landlord
5 shall have no power or authority to prohibit entry for the
6 inspection.

7 (d) The local government or its designee shall certify whether
8 the condition or the conditions specified by the tenant do exist and
9 do make the premises substantially unfit for human habitation or can
10 be a substantial risk to the health and safety of the tenant as
11 described in (a) of this subsection. The certification shall be
12 provided to the tenant, and a copy shall be included by the tenant
13 with the notice sent to the landlord under subsection (3) of this
14 section. The certification may be appealed to the local board of
15 appeals, but the appeal shall not delay or preclude the tenant from
16 proceeding with the escrow under this section.

17 (e) The tenant shall not be entitled to deposit rent in escrow
18 pursuant to this section unless the tenant first makes a good faith
19 determination that he or she is unable to repair the conditions
20 described in the certification issued pursuant to subsection (2)(d)
21 of this section through use of the repair remedies authorized by RCW
22 59.18.100.

23 (f) If the local government or its designee certifies that the
24 condition or conditions specified by the tenant exist, the tenant
25 shall then either pay the periodic rent due to the landlord or
26 deposit all periodic rent then called for in the rental agreement and
27 all rent thereafter called for in the rental agreement into an escrow
28 account maintained by a person authorized by law to set up and
29 maintain escrow accounts, including escrow companies under chapter
30 18.44 RCW, financial institutions, or attorneys, or with the clerk of
31 the court of the district or superior court where the property is
32 located. These depositories are hereinafter referred to as "escrow."
33 The tenant shall notify the landlord in writing of the deposit by
34 mailing the notice postage prepaid by first-class mail or by
35 delivering the notice to the landlord promptly but not more than
36 twenty-four hours after the deposit.

37 (g) This section, when elected as a remedy by the tenant by
38 sending the notice under subsection (3) of this section, shall be the
39 exclusive remedy available to the tenant regarding defects described
40 in the certification under subsection (2)(d) of this section:

1 PROVIDED, That the tenant may simultaneously commence or pursue an
2 action in an appropriate court, or at arbitration if so agreed, to
3 determine past, present, or future diminution in rental value of the
4 premises due to any defective conditions.

5 (3) The notice to the landlord of the rent escrow under this
6 section shall be a sworn statement by the tenant in substantially the
7 following form:

8 NOTICE TO LANDLORD OF RENT ESCROW

9 Name of tenant:

10 Name of landlord:

11 Name and address of escrow:

12 Date of deposit of rent into escrow:

13 Amount of rent deposited into escrow:

14 The following condition has been certified by a local
15 building official to substantially endanger, impair, or
16 affect the health or safety of a tenant:

17 That written notice of the conditions needing repair was
18 provided to the landlord on . . . , and . . . days have
19 elapsed and the repairs have not been made.

20

21 (Sworn Signature)

22 (4) The escrow shall place all rent deposited in a separate rent
23 escrow account in the name of the escrow in a bank or savings and
24 loan association domiciled in this state. The escrow shall keep in a
25 separate docket an account of each deposit, with the name and address
26 of the tenant, and the name and address of the landlord and of the
27 agent, if any.

28 (5)(a) A landlord who receives notice that the rent due has been
29 deposited with an escrow pursuant to subsection (2) of this section
30 may:

31 (i) Apply to the escrow for release of the funds after the local
32 government certifies that the repairs to the conditions listed in the
33 notice under subsection (3) of this section have been properly
34 repaired. The escrow shall release the funds to the landlord less any
35 escrow costs for which the tenant is entitled to reimbursement
36 pursuant to this section, immediately upon written receipt of the
37 local government certification that the repairs to the conditions

1 listed in the notice under subsection (3) of this section have been
2 properly completed.

3 (ii) File an action with the court and apply to the court for
4 release of the rent on the grounds that the tenant did not comply
5 with the notice requirement of subsection (2) or (3) of this section.
6 Proceedings under this subsection shall be governed by the time,
7 service, and filing requirements of RCW 59.18.370 regarding show
8 cause hearings.

9 (iii) File an action with the court and apply to the court for
10 release of the rent on the grounds that there was no violation of any
11 obligation imposed upon the landlord or that the condition has been
12 remedied.

13 (iv) This action may be filed in any court having jurisdiction,
14 including small claims court. If the tenant has vacated the premises
15 or if the landlord has failed to commence an action with the court
16 for release of the funds within sixty days after rent is deposited in
17 escrow, the tenant may file an action to determine how and when any
18 rent deposited in escrow shall be released or disbursed. The landlord
19 shall not commence an unlawful detainer action for nonpayment of rent
20 by serving or filing a summons and complaint if the tenant initially
21 pays the rent called for in the rental agreement that is due into
22 escrow as provided for under this section on or before the date rent
23 is due or on or before the expiration of a three-day notice to pay
24 rent or vacate and continues to pay the rent into escrow as the rent
25 becomes due or prior to the expiration of a three-day notice to pay
26 rent or vacate; provided that the landlord shall not be barred from
27 commencing an unlawful detainer action for nonpayment of rent if the
28 amount of rent that is paid into escrow is less than the amount of
29 rent agreed upon in the rental agreement between the parties.

30 (b) The tenant shall be named as a party to any action filed by
31 the landlord under this section, and shall have the right to file an
32 answer and counterclaim, although any counterclaim shall be dismissed
33 without prejudice if the court or arbitrator determines that the
34 tenant failed to follow the notice requirements contained in this
35 section. Any counterclaim can only claim diminished rental value
36 related to conditions specified by the tenant in the notice required
37 under subsection (3) of this section. This limitation on the tenant's
38 right to counterclaim shall not affect the tenant's right to bring
39 his or her own separate action. A trial shall be held within sixty
40 days of the date of filing of the landlord's or tenant's complaint.

1 (c) The tenant shall be entitled to reimbursement for any escrow
2 costs or fees incurred for setting up or maintaining an escrow
3 account pursuant to this section, unless the tenant did not comply
4 with the notice requirements of subsection (2) or (3) of this
5 section. Any escrow fees that are incurred for which the tenant is
6 entitled to reimbursement shall be deducted from the rent deposited
7 in escrow and remitted to the tenant at such time as any rent is
8 released to the landlord. The prevailing party in any court action or
9 arbitration brought under this section may also be awarded its costs
10 and reasonable attorneys' fees.

11 (d) If a court determines a diminished rental value of the
12 premises, the tenant may pay the rent due based on the diminished
13 value of the premises into escrow until the landlord makes the
14 necessary repairs.

15 (6)(a) If a landlord brings an action for the release of rent
16 deposited, the court may, upon application of the landlord, release
17 part of the rent on deposit for payment of the debt service on the
18 premises, the insurance premiums for the premises, utility services,
19 and repairs to the rental unit.

20 (b) In determining whether to release rent for the payments
21 described in (a) of this subsection, the court shall consider the
22 amount of rent the landlord receives from other rental units in the
23 buildings of which the residential premises are a part, the cost of
24 operating those units, and the costs which may be required to remedy
25 the condition contained in the notice. The court shall also consider
26 whether the expenses are due or have already been paid, whether the
27 landlord has other financial resources, or whether the landlord or
28 tenant will suffer irreparable damage. The court may request the
29 landlord to provide additional security, such as a bond, prior to
30 authorizing release of any of the funds in escrow.

31 **Sec. 42.** RCW 59.20.130 and 1999 c 359 s 11 are each amended to
32 read as follows:

33 It shall be the duty of the landlord to:

34 (1) Comply with codes, statutes, ordinances, and administrative
35 rules applicable to the mobile home park;

36 (2) Maintain the common premises and prevent the accumulation of
37 stagnant water and to prevent the detrimental effects of moving water
38 when such condition is not the fault of the tenant;

1 (3) Keep any shared or common premises reasonably clean,
2 sanitary, and safe from defects to reduce the hazards of fire or
3 accident;

4 (4) Keep all common premises of the mobile home park, and vacant
5 mobile home lots, not in the possession of tenants, free of weeds or
6 plant growth noxious and detrimental to the health of the tenants and
7 free from potentially injurious or unsightly objects and condition;

8 (5) Exterminate or make a reasonable effort to exterminate
9 rodents, vermin, or other pests dangerous to the health and safety of
10 the tenant whenever infestation exists on the common premises or
11 whenever infestation occurs in the interior of a mobile home,
12 manufactured home, or park model as a result of infestation existing
13 on the common premises;

14 (6) Maintain and protect all utilities provided to the mobile
15 home, manufactured home, or park model in good working condition.
16 Maintenance responsibility shall be determined at that point where
17 the normal mobile home, manufactured home, or park model utilities
18 "hook-ups" connect to those provided by the landlord or utility
19 company;

20 (7) Respect the privacy of the tenants and shall have no right of
21 entry to a mobile home, manufactured home, or park model without the
22 prior written consent of the occupant(~~(, except in case of emergency~~
23 ~~or when the occupant has abandoned the mobile home, manufactured~~
24 ~~home, or park model)~~). Such consent may be revoked in writing by the
25 occupant at any time. The ownership or management (~~(shall have a~~
26 ~~right of entry)~~) may, subject to RCW 9A.52.070 and 9A.52.080, enter
27 upon the land upon which a mobile home, manufactured home, or park
28 model is situated for maintenance of utilities, to insure compliance
29 with applicable codes, statutes, ordinances, administrative rules,
30 and the rental agreement and the rules of the park, and protection of
31 the mobile home park at any reasonable time or in an emergency, but
32 not in a manner or at a time which would interfere with the
33 occupant's quiet enjoyment. The ownership or management shall make a
34 reasonable effort to notify the tenant of their intention of entry
35 upon the land which a mobile home, manufactured home, or park model
36 is located prior to entry;

37 (8) Allow tenants freedom of choice in the purchase of goods and
38 services, and not unreasonably restrict access to the mobile home
39 park for such purposes;

1 (9) Maintain roads within the mobile home park in good condition;
2 and

3 (10) Notify each tenant within five days after a petition has
4 been filed by the landlord for a change in the zoning of the land
5 where the mobile home park is located and make a description of the
6 change available to the tenant.

7 A landlord shall not have a duty to repair a defective condition
8 under this section, nor shall any defense or remedy be available to
9 the tenant under this chapter, if the defective condition complained
10 of was caused by the conduct of the tenant, the tenant's family,
11 invitee, or other person acting under the tenant's control, or if a
12 tenant unreasonably fails to allow the landlord access to the
13 property for purposes of repair.

14 **Sec. 43.** RCW 64.44.020 and 2006 c 339 s 202 are each amended to
15 read as follows:

16 Whenever a law enforcement agency becomes aware that property has
17 been contaminated by hazardous chemicals, that agency shall report
18 the contamination to the local health officer. The local health
19 officer shall cause a posting of a written warning on the premises
20 within one working day of notification of the contamination and shall
21 inspect the property within fourteen days after receiving the notice
22 of contamination. The warning posting for any property that includes
23 a hotel or motel holding a current license under RCW 70.62.220, shall
24 be limited to inside the room or on the door of the contaminated room
25 and no written warning posting shall be posted in the lobby of the
26 facility. The warning shall inform the potential occupants that
27 hazardous chemicals may exist on, or have been removed from, the
28 premises and that entry is unsafe. If a property owner believes that
29 a tenant has contaminated property that was being leased or rented,
30 and the property is vacated or abandoned, then the property owner
31 shall contact the local health officer about the possible
32 contamination. Local health officers or boards may charge property
33 owners reasonable fees for inspections of suspected contaminated
34 property requested by property owners.

35 A local health officer may, subject to RCW 9A.52.070 and
36 9A.52.080, enter, inspect, and survey at reasonable times any
37 properties for which there are reasonable grounds to believe that the
38 property has become contaminated. If the property is contaminated,
39 the local health officer shall post a written notice declaring that

1 the officer intends to issue an order prohibiting use of the property
2 as long as the property is contaminated.

3 If access to the property is denied, a local health officer in
4 consultation with law enforcement may seek a warrant for the purpose
5 of conducting administrative inspections. A superior, district, or
6 municipal court within the jurisdiction of the property may, based
7 upon probable cause that the property is contaminated, issue warrants
8 for the purpose of conducting administrative inspections.

9 Local health officers must report all cases of contaminated
10 property to the state department of health. The department may make
11 the list of contaminated properties available to health associations,
12 landlord and realtor organizations, prosecutors, and other interested
13 groups. The department shall promptly update the list of contaminated
14 properties to remove those which have been decontaminated according
15 to provisions of this chapter.

16 The local health officer may determine when the services of an
17 authorized contractor are necessary.

18 **Sec. 44.** RCW 66.28.090 and 1981 1st ex.s. c 5 s 20 are each
19 amended to read as follows:

20 ~~((1))~~ All licensed premises used in the manufacture, storage,
21 or sale of liquor, or any premises or parts of premises used or in
22 any way connected, physically or otherwise, with the licensed
23 business, and/or any premises where a banquet permit has been
24 granted, ~~((shall at all times))~~ may, subject to RCW 9A.52.070 and
25 9A.52.080, be open to inspection by any liquor enforcement officer,
26 inspector or peace officer.

27 ~~((2) Every person, being on any such premises and having charge~~
28 ~~thereof, who refuses or fails to admit a liquor enforcement officer,~~
29 ~~inspector or peace officer demanding to enter therein in pursuance of~~
30 ~~this section in the execution of his/her duty, or who obstructs or~~
31 ~~attempts to obstruct the entry of such liquor enforcement officer,~~
32 ~~inspector or officer of the peace, or who refuses to allow a liquor~~
33 ~~enforcement officer, and/or an inspector to examine the books of the~~
34 ~~licensee, or who refuses or neglects to make any return required by~~
35 ~~this title or the regulations, shall be guilty of a violation of this~~
36 ~~title.))~~

37 **Sec. 45.** RCW 69.50.501 and 2013 c 19 s 108 are each amended to
38 read as follows:

1 The commission may, subject to RCW 9A.52.070 and 9A.52.080, make
2 administrative inspections of controlled premises in accordance with
3 the following provisions:

4 (1) For purposes of this section only, "controlled premises"
5 means:

6 (a) places where persons registered or exempted from registration
7 requirements under this chapter are required to keep records; and

8 (b) places including factories, warehouses, establishments, and
9 conveyances in which persons registered or exempted from registration
10 requirements under this chapter are permitted to hold, manufacture,
11 compound, process, sell, deliver, or otherwise dispose of any
12 controlled substance.

13 (2) When authorized by an administrative inspection warrant
14 issued pursuant to RCW 69.50.502 an officer or employee designated by
15 the commission, upon presenting the warrant and appropriate
16 credentials to the owner, operator, or agent in charge, may enter
17 controlled premises for the purpose of conducting an administrative
18 inspection.

19 (3) When authorized by an administrative inspection warrant, an
20 officer or employee designated by the commission may:

21 (a) inspect and copy records required by this chapter to be kept;

22 (b) inspect, within reasonable limits and in a reasonable manner,
23 controlled premises and all pertinent equipment, finished and
24 unfinished material, containers and labeling found therein, and,
25 except as provided in subsection (5) of this section, all other
26 things therein, including records, files, papers, processes,
27 controls, and facilities bearing on violation of this chapter; and

28 (c) inventory any stock of any controlled substance therein and
29 obtain samples thereof.

30 (4) This section does not prevent the inspection without a
31 warrant of books and records pursuant to an administrative subpoena
32 issued in accordance with chapter 34.05 RCW, nor does it prevent
33 entries and administrative inspections, including seizures of
34 property, (~~without a warrant~~) subject to RCW 9A.52.070 and
35 9A.52.080:

36 (a) If the owner, operator, or agent in charge of the controlled
37 premises consents;

38 (b) In situations presenting imminent danger to health or safety;

1 (c) In situations involving inspection of conveyances if there is
2 reasonable cause to believe that the mobility of the conveyance makes
3 it impracticable to obtain a warrant;

4 (d) In any other exceptional or emergency circumstance where time
5 or opportunity to apply for a warrant is lacking; or((τ))

6 (e) In all other situations in which a warrant is not
7 constitutionally required.

8 (5) An inspection authorized by this section shall not extend to
9 financial data, sales data, other than shipment data, or pricing data
10 unless the owner, operator, or agent in charge of the controlled
11 premises consents in writing.

12 **Sec. 46.** RCW 70.77.450 and 2012 c 117 s 395 are each amended to
13 read as follows:

14 The chief of the Washington state patrol, through the director of
15 fire protection, may make an examination of the books and records of
16 any licensee, or other person relative to fireworks, and may, subject
17 to RCW 9A.52.070 and 9A.52.080, visit and inspect the premises of any
18 licensee he or she may deem at any time necessary for the purpose of
19 enforcing the provisions of this chapter. ((The licensee, owner,
20 lessee, manager, or operator of any such building or premises shall
21 permit the chief of the Washington state patrol, through the director
22 of fire protection, his or her deputies or salaried assistants, the
23 local fire official, and their authorized representatives to enter
24 and inspect the premises at the time and for the purpose stated in
25 this section.))

26 **Sec. 47.** RCW 70.87.120 and 2008 c 181 s 207 are each amended to
27 read as follows:

28 (1) The department shall appoint and employ inspectors, as may be
29 necessary to carry out the provisions of this chapter, under the
30 provisions of the rules adopted by the Washington personnel resources
31 board in accordance with chapter 41.06 RCW.

32 (2)(a) Except as provided in (b) of this subsection, the
33 department shall cause all conveyances to be inspected and tested at
34 least once each year. Inspectors ((have the right)), during
35 reasonable hours ((τ)), and subject to RCW 9A.52.070 and 9A.52.080,
36 may enter into and upon any building or premises in the discharge of
37 their official duties, for the purpose of making any inspection or
38 testing any conveyance contained thereon or therein. Inspections and

1 tests shall conform with the rules adopted by the department. The
2 department shall inspect all installations before it issues any
3 initial permit for operation. Permits shall not be issued until the
4 fees required by this chapter have been paid.

5 (b)(i) Private residence conveyances operated exclusively for
6 single-family use (~~shall~~) may, subject to RCW 9A.52.070 and
7 9A.52.080, be inspected and tested only when required under RCW
8 70.87.100 or as necessary for the purposes of subsection (4) of this
9 section and shall be exempt from RCW 70.87.090 unless an annual
10 inspection and operating permit are requested by the owner.

11 (ii) The department may perform additional inspections of a
12 private residence conveyance at the request of the owner of the
13 conveyance. Fees for these inspections shall be in accordance with
14 the schedule of fees adopted for operating permits pursuant to RCW
15 70.87.030. An inspection requested under this subsection (2)(b)(ii)
16 shall not be performed until the required fees have been paid.

17 (3) If inspection shows a conveyance to be in an unsafe
18 condition, the department shall issue an inspection report in writing
19 requiring the repairs or alterations to be made to the conveyance
20 that are necessary to render it safe and may also suspend or revoke a
21 permit pursuant to RCW 70.87.125 or order the operation of a
22 conveyance discontinued pursuant to RCW 70.87.145.

23 (a) A penalty may be assessed under RCW 70.87.185 for failure to
24 correct a violation within ninety days after the owner is notified in
25 writing of inspection results.

26 (b) The owner may be assessed a penalty under RCW 70.87.185 for
27 failure to submit official notification in writing to the department
28 that all corrections have been completed.

29 (4) The department may investigate accidents and alleged or
30 apparent violations of this chapter.

31 (5) During a state of emergency declared under RCW 43.06.010(12),
32 the governor may waive or suspend the collection of fees under this
33 section or any portion of this section or under any administrative
34 rule, and issue any orders to facilitate the operation of state or
35 local government or to promote and secure the safety and protection
36 of the civilian population.

37 **Sec. 48.** RCW 70.97.160 and 2005 c 504 s 418 are each amended to
38 read as follows:

1 (1) The department shall make or cause to be made at least one
2 inspection of each facility prior to licensure and an unannounced
3 full inspection of facilities at least once every eighteen months.
4 The statewide average interval between full facility inspections must
5 be fifteen months.

6 (2) Any duly authorized officer, employee, or agent of the
7 department may, subject to RCW 9A.52.070 and 9A.52.080, enter and
8 inspect any facility at any time to determine that the facility is in
9 compliance with this chapter and applicable rules, and to enforce any
10 provision of this chapter. Complaint inspections shall be unannounced
11 and conducted in such a manner as to ensure maximum effectiveness. No
12 advance notice shall be given of any inspection unless authorized or
13 required by federal law.

14 (3) During inspections, the facility must give the department
15 access to areas, materials, and equipment used to provide care or
16 support to residents, including resident and staff records, accounts,
17 and the physical premises, including the buildings, grounds, and
18 equipment. The department has the authority to privately interview
19 the provider, staff, residents, and other individuals familiar with
20 resident care and treatment.

21 (4) Any public employee giving advance notice of an inspection in
22 violation of this section shall be suspended from all duties without
23 pay for a period of not less than five nor more than fifteen days.

24 (5) The department shall prepare a written report describing the
25 violations found during an inspection, and shall provide a copy of
26 the inspection report to the facility.

27 (6) The facility shall develop a written plan of correction for
28 any violations identified by the department and provide a plan of
29 correction to the department within ten working days from the receipt
30 of the inspection report.

31 **Sec. 49.** RCW 70.105D.030 and 2013 2nd sp.s. c 1 s 6 are each
32 amended to read as follows:

33 (1) The department may exercise the following powers in addition
34 to any other powers granted by law:

35 (a) Investigate, provide for investigating, or require
36 potentially liable persons to investigate any releases or threatened
37 releases of hazardous substances, including but not limited to
38 inspecting, sampling, or testing to determine the nature or extent of
39 any release or threatened release. If there is a reasonable basis to

1 believe that a release or threatened release of a hazardous substance
2 may exist, the department's authorized employees, agents, or
3 contractors may, subject to RCW 9A.52.070 and 9A.52.080, enter upon
4 any property and conduct investigations. The department shall not
5 violate RCW 9A.52.070 or 9A.52.080 and shall give reasonable notice
6 before entering property unless an emergency prevents such notice.
7 The department may by subpoena require the attendance or testimony of
8 witnesses and the production of documents or other information that
9 the department deems necessary;

10 (b) Conduct, provide for conducting, or require potentially
11 liable persons to conduct remedial actions (including investigations
12 under (a) of this subsection) to remedy releases or threatened
13 releases of hazardous substances. In carrying out such powers, the
14 department's authorized employees, agents, or contractors may,
15 subject to RCW 9A.52.070 and 9A.52.080, enter upon property. The
16 department shall not violate RCW 9A.52.070 or 9A.52.080 and shall
17 give reasonable notice before entering property unless an emergency
18 prevents such notice. In conducting, providing for, or requiring
19 remedial action, the department shall give preference to permanent
20 solutions to the maximum extent practicable and shall provide for or
21 require adequate monitoring to ensure the effectiveness of the
22 remedial action;

23 (c) Indemnify contractors retained by the department for carrying
24 out investigations and remedial actions, but not for any contractor's
25 reckless or willful misconduct;

26 (d) Carry out all state programs authorized under the federal
27 cleanup law and the federal resource, conservation, and recovery act,
28 42 U.S.C. Sec. 6901 et seq., as amended;

29 (e) Classify substances as hazardous substances for purposes of
30 RCW 70.105D.020 and classify substances and products as hazardous
31 substances for purposes of RCW 82.21.020(1);

32 (f) Issue orders or enter into consent decrees or agreed orders
33 that include, or issue written opinions under (i) of this subsection
34 that may be conditioned upon, environmental covenants where necessary
35 to protect human health and the environment from a release or
36 threatened release of a hazardous substance from a facility. Prior to
37 establishing an environmental covenant under this subsection, the
38 department shall consult with and seek comment from a city or county
39 department with land use planning authority for real property subject
40 to the environmental covenant;

1 (g) Enforce the application of permanent and effective
2 institutional controls that are necessary for a remedial action to be
3 protective of human health and the environment and the notification
4 requirements established in RCW 70.105D.110, and impose penalties for
5 violations of that section consistent with RCW 70.105D.050;

6 (h) Require holders to conduct remedial actions necessary to
7 abate an imminent or substantial endangerment pursuant to RCW
8 70.105D.020(22)(b)(ii)(C);

9 (i) Provide informal advice and assistance to persons regarding
10 the administrative and technical requirements of this chapter. This
11 may include site-specific advice to persons who are conducting or
12 otherwise interested in independent remedial actions. Any such advice
13 or assistance shall be advisory only, and shall not be binding on the
14 department. As a part of providing this advice and assistance for
15 independent remedial actions, the department may prepare written
16 opinions regarding whether the independent remedial actions or
17 proposals for those actions meet the substantive requirements of this
18 chapter or whether the department believes further remedial action is
19 necessary at the facility. Nothing in this chapter may be construed
20 to preclude the department from issuing a written opinion on whether
21 further remedial action is necessary at any portion of the real
22 property located within a facility, even if further remedial action
23 is still necessary elsewhere at the same facility. Such a written
24 opinion on a portion of a facility must also provide an opinion on
25 the status of the facility as a whole. The department may collect,
26 from persons requesting advice and assistance, the costs incurred by
27 the department in providing such advice and assistance; however, the
28 department shall, where appropriate, waive collection of costs in
29 order to provide an appropriate level of technical assistance in
30 support of public participation. The state, the department, and
31 officers and employees of the state are immune from all liability,
32 and no cause of action of any nature may arise from any act or
33 omission in providing, or failing to provide, informal advice and
34 assistance. The department must track the number of requests for
35 reviews of planned or completed independent remedial actions and
36 establish performance measures to track how quickly the department is
37 able to respond to those requests. By November 1, 2015, the
38 department must submit to the governor and the appropriate
39 legislative fiscal and policy committees a report on achieving the

1 performance measures and provide recommendations for improving
2 performance, including staffing needs;

3 (j) In fulfilling the objectives of this chapter, the department
4 shall allocate staffing and financial assistance in a manner that
5 considers both the reduction of human and environmental risks and the
6 land reuse potential and planning for the facilities to be cleaned
7 up. This does not preclude the department from allocating resources
8 to a facility based solely on human or environmental risks;

9 (k) Establish model remedies for common categories of facilities,
10 types of hazardous substances, types of media, or geographic areas to
11 streamline and accelerate the selection of remedies for routine types
12 of cleanups at facilities;

13 (i) When establishing a model remedy, the department shall:

14 (A) Identify the requirements for characterizing a facility to
15 select a model remedy, the applicability of the model remedy for use
16 at a facility, and monitoring requirements;

17 (B) Describe how the model remedy meets clean-up standards and
18 the requirements for selecting a remedy established by the department
19 under this chapter; and

20 (C) Provide public notice and an opportunity to comment on the
21 proposed model remedy and the conditions under which it may be used
22 at a facility;

23 (ii) When developing model remedies, the department shall solicit
24 and consider proposals from qualified persons. The proposals must, in
25 addition to describing the model remedy, provide the information
26 required under (k)(i)(A) and (B) of this subsection;

27 (iii) If a facility meets the requirements for use of a model
28 remedy, an analysis of the feasibility of alternative remedies is not
29 required under this chapter. For department-conducted and department-
30 supervised remedial actions, the department must provide public
31 notice and consider public comments on the proposed use of a model
32 remedy at a facility. The department may waive collection of its
33 costs for providing a written opinion under (i) of this subsection on
34 a cleanup that qualifies for and appropriately uses a model remedy;
35 and

36 (1) Take any other actions necessary to carry out the provisions
37 of this chapter, including the power to adopt rules under chapter
38 34.05 RCW.

39 (2) The department shall immediately implement all provisions of
40 this chapter to the maximum extent practicable, including

1 investigative and remedial actions where appropriate. The department
2 shall adopt, and thereafter enforce, rules under chapter 34.05 RCW
3 to:

4 (a) Provide for public participation, including at least (i)
5 public notice of the development of investigative plans or remedial
6 plans for releases or threatened releases and (ii) concurrent public
7 notice of all compliance orders, agreed orders, enforcement orders,
8 or notices of violation;

9 (b) Establish a hazard ranking system for hazardous waste sites;

10 (c) Provide for requiring the reporting by an owner or operator
11 of releases of hazardous substances to the environment that may be a
12 threat to human health or the environment within ninety days of
13 discovery, including such exemptions from reporting as the department
14 deems appropriate, however this requirement shall not modify any
15 existing requirements provided for under other laws;

16 (d) Establish reasonable deadlines not to exceed ninety days for
17 initiating an investigation of a hazardous waste site after the
18 department receives notice or otherwise receives information that the
19 site may pose a threat to human health or the environment and other
20 reasonable deadlines for remedying releases or threatened releases at
21 the site;

22 (e) Publish and periodically update minimum clean-up standards
23 for remedial actions at least as stringent as the clean-up standards
24 under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621,
25 and at least as stringent as all applicable state and federal laws,
26 including health-based standards under state and federal law; and

27 (f) Apply industrial clean-up standards at industrial properties.
28 Rules adopted under this subsection shall ensure that industrial
29 properties cleaned up to industrial standards cannot be converted to
30 nonindustrial uses without approval from the department. The
31 department may require that a property cleaned up to industrial
32 standards is cleaned up to a more stringent applicable standard as a
33 condition of conversion to a nonindustrial use. Industrial clean-up
34 standards may not be applied to industrial properties where hazardous
35 substances remaining at the property after remedial action pose a
36 threat to human health or the environment in adjacent nonindustrial
37 areas.

38 (3) To achieve and protect the state's long-term ecological
39 health, the department shall plan to clean up hazardous waste sites
40 and prevent the creation of future hazards due to improper disposal

1 of toxic wastes at a pace that matches the estimated cash resources
2 in the state and local toxics control accounts and the environmental
3 legacy stewardship account created in RCW 70.105D.170. Estimated cash
4 resources must consider the annual cash flow requirements of major
5 projects that receive appropriations expected to cross multiple
6 biennia. To effectively monitor toxic accounts expenditures, the
7 department shall develop a comprehensive ten-year financing report
8 that identifies long-term remedial action project costs, tracks
9 expenses, and projects future needs.

10 (4) By November 1, 2016, the department must submit to the
11 governor and the appropriate legislative committees a report on the
12 status of developing model remedies and their use under this chapter.
13 The report must include: The number and types of model remedies
14 identified by the department under subsection (1)(k) of this section;
15 the number and types of model remedy proposals prepared by qualified
16 private sector engineers, consultants, or contractors that were
17 accepted or rejected under subsection (1)(k) of this section and the
18 reasons for rejection; and the success of model remedies in
19 accelerating the cleanup as measured by the number of jobs created by
20 the cleanup, where this information is available to the department,
21 acres of land restored, and the number and types of hazardous waste
22 sites successfully remediated using model remedies.

23 (5) Before September 20th of each even-numbered year, the
24 department shall:

25 (a) Develop a comprehensive ten-year financing report in
26 coordination with all local governments with clean-up
27 responsibilities that identifies the projected biennial hazardous
28 waste site remedial action needs that are eligible for funding from
29 the state and local toxics control account and the environmental
30 legacy stewardship account;

31 (b) Work with local governments to develop working capital
32 reserves to be incorporated in the ten-year financing report;

33 (c) Identify the projected remedial action needs for orphaned,
34 abandoned, and other clean-up sites that are eligible for funding
35 from the state toxics control account;

36 (d) Project the remedial action need, cost, revenue, and any
37 recommended working capital reserve estimate to the next biennium's
38 long-term remedial action needs from both the local and state toxics
39 control account and the environmental legacy stewardship account, and
40 submit this information to the appropriate standing fiscal and

1 environmental committees of the senate and house of representatives.
2 This submittal must also include a ranked list of such remedial
3 action projects for both accounts. The submittal must also identify
4 separate budget estimates for large, multibiennia clean-up projects
5 that exceed ten million dollars. The department shall prepare its
6 ten-year capital budget plan that is submitted to the office of
7 financial management to reflect the separate budget estimates for
8 these large clean-up projects and include information on the
9 anticipated private and public funding obligations for completion of
10 the relevant projects.

11 (6) By December 1st of each odd-numbered year, the department
12 must provide the legislature and the public a report of the
13 department's activities supported by appropriations from the state
14 and local toxics control accounts and the environmental legacy
15 stewardship account. The report must be prepared and displayed in a
16 manner that allows the legislature and the public to easily determine
17 the statewide and local progress made in cleaning up hazardous waste
18 sites under this chapter. The report must include, at a minimum:

19 (a) The name, location, hazardous waste ranking, and a short
20 description of each site on the hazardous sites list, and the date
21 the site was placed on the hazardous waste sites list; and

22 (b) For sites where there are state contracts, grants, loans, or
23 direct investments by the state:

24 (i) The amount of money from the state and local toxics control
25 accounts and the environmental legacy stewardship account used to
26 conduct remedial actions at the site and the amount of that money
27 recovered from potentially liable persons;

28 (ii) The actual or estimated start and end dates and the actual
29 or estimated expenditures of funds authorized under this chapter for
30 the following project phases:

31 (A) Emergency or interim actions, if needed;

32 (B) Remedial investigation;

33 (C) Feasibility study and selection of a remedy;

34 (D) Engineering design and construction of the selected remedy;

35 (E) Operation and maintenance or monitoring of the constructed
36 remedy; and

37 (F) The final completion date.

38 (7) The department shall establish a program to identify
39 potential hazardous waste sites and to encourage persons to provide
40 information about hazardous waste sites.

1 (8) For all facilities where an environmental covenant has been
2 required under subsection (1)(f) of this section, including all
3 facilities where the department has required an environmental
4 covenant under an order, agreed order, or consent decree, or as a
5 condition of a written opinion issued under the authority of
6 subsection (1)(i) of this section, the department shall periodically
7 review the environmental covenant for effectiveness. Except as
8 otherwise provided in (c) of this subsection, the department shall
9 conduct a review at least once every five years after an
10 environmental covenant is recorded.

11 (a) The review shall consist of, at a minimum:

12 (i) A review of the title of the real property subject to the
13 environmental covenant to determine whether the environmental
14 covenant was properly recorded and, if applicable, amended or
15 terminated;

16 (ii) A physical inspection of the real property subject to the
17 environmental covenant to determine compliance with the environmental
18 covenant, including whether any development or redevelopment of the
19 real property has violated the terms of the environmental covenant;
20 and

21 (iii) A review of the effectiveness of the environmental covenant
22 in limiting or prohibiting activities that may interfere with the
23 integrity of the remedial action or that may result in exposure to or
24 migration of hazardous substances. This shall include a review of
25 available monitoring data.

26 (b) If an environmental covenant has been amended or terminated
27 without proper authority, or if the terms of an environmental
28 covenant have been violated, or if the environmental covenant is no
29 longer effective in limiting or prohibiting activities that may
30 interfere with the integrity of the remedial action or that may
31 result in exposure to or migration of hazardous substances, then the
32 department shall take any and all appropriate actions necessary to
33 ensure compliance with the environmental covenant and the policies
34 and requirements of this chapter.

35 (c) For facilities where an environmental covenant required by
36 the department under subsection (1)(f) of this section was required
37 before July 1, 2007, the department shall:

38 (i) Enter all required information about the environmental
39 covenant into the registry established under RCW 64.70.120 by June
40 30, 2008;

1 (ii) For those facilities where more than five years has elapsed
2 since the environmental covenant was required and the department has
3 yet to conduct a review, conduct an initial review according to the
4 following schedule:

5 (A) By December 30, 2008, fifty facilities;

6 (B) By June 30, 2009, fifty additional facilities; and

7 (C) By June 30, 2010, the remainder of the facilities;

8 (iii) Once this initial review has been completed, conduct
9 subsequent reviews at least once every five years.

10 **Sec. 50.** RCW 70.119A.150 and 1993 c 305 s 4 are each amended to
11 read as follows:

12 (1)(a) Except as otherwise provided in (b) of this subsection,
13 the secretary or his or her designee (~~((shall have the right to))~~) may,
14 subject to RCW 9A.52.070 and 9A.52.080, enter a premises under the
15 control of a public water system at reasonable times with prior
16 notification in order to determine compliance with laws and rules
17 administered by the department of health to test, inspect, or sample
18 features of a public water system and inspect, copy, or photograph
19 monitoring equipment or other features of a public water system, or
20 records required to be kept under laws or rules regulating public
21 water systems. For the purposes of this section, "premises under the
22 control of a public water system" does not include the premises or
23 private property of a customer of a public water system past the
24 point on the system where the service connection is made.

25 (b) The secretary or his or her designee need not give prior
26 notification to enter a premises under (a) of this subsection if the
27 purpose of the entry is to ensure compliance by the public water
28 system with a prior order of the department or if the secretary or
29 the secretary's designee has reasonable cause to believe the public
30 water system is violating the law and poses a serious threat to
31 public health and safety.

32 (2) The secretary or his or her designee may apply for an
33 administrative search warrant to a court official authorized to issue
34 a criminal search warrant. An administrative search warrant may be
35 issued for the purposes of inspecting or examining property,
36 buildings, premises, place, books, records, or other physical
37 evidence, or conducting tests or taking samples. The warrant shall be
38 issued upon probable cause. It is sufficient probable cause to show
39 any of the following:

1 (a) The inspection, examination, test, or sampling is pursuant to
2 a general administrative plan to determine compliance with laws or
3 rules administered by the department; or

4 (b) The secretary or his or her designee has reason to believe
5 that a violation of a law or rule administered by the department has
6 occurred, is occurring, or may occur.

7 (3) The local health officer or the designee of a local health
8 officer of a local board of health that is enforcing rules regulating
9 public water systems under an agreement with the department
10 allocating state and local responsibility is authorized to conduct
11 investigations and to apply for, obtain, and execute administrative
12 search warrants necessary to perform the local board's agreed-to
13 responsibilities under the same limitations and requirements imposed
14 on the department under this section.

15 **Sec. 51.** RCW 76.04.035 and 1986 c 100 s 4 are each amended to
16 read as follows:

17 (1) The department may appoint any of its employees as wardens,
18 at the times and localities as it considers the public welfare
19 demands, within any area of the state where there is forest land
20 requiring protection. The duties and authority of wardens are subject
21 to RCW 9A.52.070 and 9A.52.080.

22 (2) The duties of wardens shall be:

23 (a) To provide forest fire prevention and protection information
24 to the public;

25 (b) To investigate discovered or reported fires on forest lands
26 and take appropriate action;

27 (c) To patrol their areas as necessary;

28 (d) To visit all parts of their area, and frequented places and
29 camps as far as possible, and warn campers or other users and
30 visitors of fire hazards;

31 (e) To see that all locomotives and all steam, internal
32 combustion, and other spark-emitting equipment are provided with
33 spark arresters and adequate devices for preventing the escape of
34 fire or sparks in accordance with the law;

35 (f) To see that operations or activities on forest land have all
36 required fire prevention and suppression equipment or devices as
37 required by law;

38 (g) To extinguish wildfires;

39 (h) To set back-fires to control fires;

1 (i) To summons, impress, and employ help in controlling
2 wildfires;

3 (j) To see that all laws for the protection of forests are
4 enforced;

5 (k) To investigate, arrest, and initiate prosecution of all
6 offenders of this chapter or other chapters as allowed by law; and

7 (l) To perform all other duties as prescribed by law and as the
8 department directs.

9 (3) All wardens and rangers shall render reports to the
10 department on blanks or forms, or in the manner and at the times as
11 may be ordered, giving a summary of how employed, the area visited,
12 expenses incurred, and other information as required by the
13 department.

14 (4) The department may suspend the authority of any warden who
15 may be incompetent or unwilling to discharge properly the duties of
16 the office.

17 (5) The department shall determine the placement of the wardens
18 and, upon its request to the county commissioners of any county, the
19 county commissioners shall designate and furnish the wardens with
20 suitably equipped office quarters in the county courthouse.

21 (6) The authority of the wardens regarding the prevention,
22 suppression, and control of forest fires, summoning, impressing, or
23 employing help, or making arrests for violations of this chapter may
24 extend to any part of the state.

25 **Sec. 52.** RCW 76.06.130 and 2003 c 314 s 3 are each amended to
26 read as follows:

27 The department is authorized to contribute resources and
28 expertise to assist the department of agriculture in control or
29 eradication efforts authorized under chapter 17.24 RCW in order to
30 protect forest lands of the state.

31 If either the department of agriculture has not taken action
32 under chapter 17.24 RCW or the commissioner finds that additional
33 efforts are required to control or prevent an outbreak of an exotic
34 forest insect or disease which has not become so habituated that it
35 can no longer be eradicated and that poses an imminent danger of
36 damage to the forested environment by threatening the diversity,
37 abundance, and survivability of native tree species, or both, the
38 commissioner may declare a forest health emergency.

1 Upon declaration of a forest health emergency, the department
2 must delineate the area at risk and determine the most appropriate
3 integrated pest management methods to control the outbreak, in
4 consultation with other interested agencies, affected tribes, and
5 affected forest landowners. The department must notify affected
6 forest landowners of its intent to conduct control operations.

7 Upon declaration of a forest health emergency by the
8 commissioner, the department is authorized to enter into agreements
9 with forest landowners, companies, individuals, tribal entities, and
10 federal, state, and local agencies to accomplish control of exotic
11 forest insects or diseases on any affected forest lands using such
12 funds as have been, or may be, made available.

13 The department must proceed with the control of the exotic forest
14 insects or diseases on affected nonfederal and nontribal forest lands
15 with or without the cooperation of the owner. The department may
16 reimburse cooperating forest landowners and agencies for actual cost
17 of equipment, labor, and materials utilized in cooperative exotic
18 forest insect or disease control projects, as agreed to by the
19 department. Any such control, eradication, or destruction is subject
20 to RCW 9A.52.070 and 9A.52.080.

21 A forest health emergency no longer exists when the department
22 finds that the exotic forest insect or disease has been controlled or
23 eradicated, that the imminent threat no longer exists, or that there
24 is no longer good likelihood of effective control.

25 Nothing under this chapter diminishes the authority and
26 responsibility of the department of agriculture under chapter 17.24
27 RCW.

28 **Sec. 53.** RCW 76.09.150 and 2012 1st sp.s. c 1 s 207 are each
29 amended to read as follows:

30 (1) The department shall make inspections of forest lands,
31 before, during, and after the conducting of forest practices as
32 necessary for the purpose of ensuring compliance with this chapter,
33 the forest practices rules, including forest practices rules
34 incorporated under RCW 76.09.040(3), and to ensure that no material
35 damage occurs to the natural resources of this state as a result of
36 forest practices.

37 (2) Any duly authorized representative of the department (~~shall~~
38 ~~have the right to~~) may, subject to RCW 9A.52.070 and 9A.52.080,

1 enter upon forest land at any reasonable time to enforce the
2 provisions of this chapter and the forest practices rules.

3 (3) The department or the department of ecology may apply for an
4 administrative inspection warrant to either Thurston county superior
5 court, or the superior court in the county in which the property is
6 located. An administrative inspection warrant may be issued where:

7 (a) The department has attempted an inspection of forest lands
8 under this chapter to ensure compliance with this chapter and the
9 forest practices rules or to ensure that no potential or actual
10 material damage occurs to the natural resources of this state, and
11 access to all or part of the forest lands has been actually or
12 constructively denied; or

13 (b) The department has reasonable cause to believe that a
14 violation of this chapter or of rules adopted under this chapter is
15 occurring or has occurred.

16 (4) In connection with any watershed analysis, any review of a
17 pending application by an identification team appointed by the
18 department, any compliance studies, any effectiveness monitoring, or
19 other research that has been agreed to by a landowner, the department
20 may invite representatives of other agencies, tribes, and interest
21 groups to accompany a department representative and, at the
22 landowner's election, the landowner, on any such inspections.
23 Reasonable efforts shall be made by the department to notify the
24 landowner of the persons being invited onto the property and the
25 purposes for which they are being invited.

26 **Sec. 54.** RCW 76.09.160 and 1974 ex.s. c 137 s 16 are each
27 amended to read as follows:

28 Any duly authorized representative of the department of ecology
29 (~~shall have the right to~~) may, subject to RCW 9A.52.070 and
30 9A.52.080, enter upon forest land at any reasonable time to
31 administer the provisions of this chapter and RCW 90.48.420.

32 **Sec. 55.** RCW 77.12.154 and 1998 c 190 s 71 are each amended to
33 read as follows:

34 The director, fish and wildlife officers, ex officio fish and
35 wildlife officers, and department employees may, subject to RCW
36 9A.52.070 and 9A.52.080, enter upon any land or waters and remain
37 there while performing their duties without liability for trespass.

1 Subject to RCW 9A.52.070 and 9A.52.080, it is lawful for aircraft
2 operated by the department to land and take off from the beaches or
3 waters of the state.

4 **Sec. 56.** RCW 78.04.015 and 1897 c 60 s 2 are each amended to
5 read as follows:

6 Every corporation incorporated or that may hereafter be
7 incorporated under the laws of this state or any state or territory
8 of the United States, and doing business in this state, for the
9 purpose of acquiring, owning or operating mines, mills or reduction
10 works, or mining or milling gold and silver or other minerals, which
11 may desire to erect and operate surface tramways or elevated cable
12 tramways for the purpose of carrying, conveying or transporting the
13 products of such mines, mills or reduction works, (~~shall have the~~
14 ~~right to~~) may, subject to RCW 9A.52.070 and 9A.52.080, enter upon
15 any land between the termini of the proposed lines for the purpose of
16 examining, locating and surveying such lines, doing no unnecessary
17 damage thereby.

18 **Sec. 57.** RCW 78.04.040 and 1901 c 120 s 1 are each amended to
19 read as follows:

20 Any owner of stock to the amount of one thousand shares, in any
21 corporation doing business under the laws of the state of Washington
22 for the purposes of mining, (~~shall~~) may, at all hours of business
23 or labor on or about the premises or property of such corporation,
24 (~~have the right to~~) and subject to RCW 9A.52.070 and 9A.52.080,
25 enter upon such property and examine the same, either on the surface
26 or underground. (~~And it is hereby made the duty of any and all~~
27 ~~officers, managers, agents, superintendents, or persons in charge, to~~
28 ~~allow any such stockholder to enter upon and examine any of the~~
29 ~~property of such corporation at any time during the hours of business~~
30 ~~or labor; and~~) The presentation of certificates of stock in the
31 corporation of the amount of one thousand shares, to the officer or
32 person in charge, shall be prima facie evidence of ownership (~~and~~
33 ~~right to enter upon or into, and make examinations of the property of~~
34 ~~the corporation~~)).

35 **Sec. 58.** RCW 79.14.440 and 2003 c 334 s 412 are each amended to
36 read as follows:

1 Any person designated by the department (~~shall have the right at~~
2 ~~any time to~~) may, subject to RCW 9A.52.070 and 9A.52.080, enter upon
3 the lands and inspect and examine the structures, works, and mines
4 situated thereon, and (~~shall also have the right to~~) may examine
5 such books, records, and accounts of the lessee as are directly
6 connected with the determination of royalties on the property under
7 lease from the state but it shall be unlawful for any person so
8 appointed to disclose any information thus obtained to any person
9 other than the departmental officials and employees, except the
10 attorney general and prosecuting attorneys of the state.

11 **Sec. 59.** RCW 79.14.450 and 2003 c 334 s 413 are each amended to
12 read as follows:

13 The state shall have the right to sell or otherwise dispose of
14 any surface resource, timber, rock, gravel, sand, silt, coal, or
15 hydrocarbons, except minerals or materials specifically covered by a
16 mineral prospecting lease or mining contract, found upon the land
17 during the period covered by the lease or contract. The state (~~shall~~
18 ~~also have the right to~~) may, subject to RCW 9A.52.070 and 9A.52.080,
19 enter upon such land and remove same, and shall not be obliged to
20 withhold from any sale any timber for prospecting or mining purposes.
21 The lessee shall, upon payment to the department, have the right to
22 cut and use timber found on the leased premises for mining purposes
23 as provided in rules adopted by the department.

24 **Sec. 60.** RCW 79.14.530 and 2003 c 334 s 420 are each amended to
25 read as follows:

26 The commissioner or any person designated by the commissioner
27 (~~has the right at any time to~~) may, subject to RCW 9A.52.070 and
28 9A.52.080, enter upon the lands and inspect and examine the
29 structures, works, and mines situated thereon, and (~~also has the~~
30 ~~right to~~) may examine such books, records, and accounts of the
31 lessee as are directly connected with the operation of the mine on
32 the property under lease from the state; but it shall be unlawful for
33 the commissioner or any person so appointed to disclose any
34 information thus obtained to any person other than the commissioner
35 or an employee of the department, except the attorney general and
36 prosecuting attorneys of the state.

1 **Sec. 61.** RCW 79.14.540 and 2003 c 334 s 421 are each amended to
2 read as follows:

3 The state shall have the right to sell or otherwise dispose of
4 any timber, stone, or other valuable materials, except coal, found
5 upon the land during the period covered by any option contract, or
6 lease issued under the foregoing provisions, (~~with the right to~~)
7 and may, subject to RCW 9A.52.070 and 9A.52.080, enter upon such
8 lands and cut and remove the same, and shall not be obliged to
9 withhold from sale any timber for coal mining or prospecting
10 purposes. However, the lessee shall be permitted to use in mining
11 operations any timber found upon the land, first paying therefor to
12 the department the value thereof as fixed by the department. Further,
13 any bill of sale for the removal of timber, stone, or other material
14 given subsequent to the coal lease shall contain provisions
15 preventing any interference with the operations of the coal lease.

16 **Sec. 62.** RCW 80.32.070 and 1961 c 14 s 80.32.070 are each
17 amended to read as follows:

18 Every such corporation (~~shall have the right to~~) may, subject
19 to RCW 9A.52.070 and 9A.52.080, enter upon any land between the
20 termini of the proposed lines for the purpose of examining, locating
21 and surveying such lines, doing no unnecessary damage thereby.

22 **Sec. 63.** RCW 80.36.020 and 1985 c 450 s 16 are each amended to
23 read as follows:

24 Every corporation incorporated under the laws of this state or
25 any state or territory of the United States for the purpose of
26 constructing, operating or maintaining any telecommunications line in
27 this state (~~shall have the right to~~) may, subject to RCW 9A.52.070
28 and 9A.52.080, enter upon any land between the termini of its
29 proposed telecommunications lines for the purpose of examining,
30 locating and surveying the telecommunications line, doing no
31 unnecessary damage thereby.

32 **Sec. 64.** RCW 80.36.030 and 1985 c 450 s 17 are each amended to
33 read as follows:

34 Such telecommunications company may appropriate so much land as
35 may be actually necessary for its telecommunications line, (~~with the~~
36 ~~right to~~) and may, subject to RCW 9A.52.070 and 9A.52.080, enter
37 upon lands immediately adjacent thereto, for the purpose of

1 constructing, maintaining and operating its line and making all
2 necessary repair. Such telecommunications company may also, for the
3 purpose aforesaid and subject to RCW 9A.52.070 and 9A.52.080, enter
4 upon and appropriate such portion of the right-of-way of any railroad
5 company as may be necessary for the construction, maintenance and
6 operation of its telecommunications line: PROVIDED, That such
7 appropriation shall not obstruct such railroad of the travel
8 thereupon, nor interfere with the operation of such railroad.

9 **Sec. 65.** RCW 81.36.020 and 1961 c 14 s 81.36.020 are each
10 amended to read as follows:

11 A corporation organized for the construction of any railway,
12 macadamized road, plank road, clay road, canal or bridge, (~~shall~~
13 ~~have a right to~~) may, subject to RCW 9A.52.070 and 9A.52.080, enter
14 upon any land, real estate or premises, or any of the lands granted
15 to the state of Washington for school, university or other purposes,
16 between the termini thereof, for the purpose of examining, locating
17 and surveying the line of such road or canal, or the site of such
18 bridge, doing no unnecessary damage thereby.

19 **Sec. 66.** RCW 81.64.050 and 1961 c 14 s 81.64.050 are each
20 amended to read as follows:

21 Every such corporation (~~shall have the right to~~) may, subject
22 to RCW 9A.52.070 and 9A.52.080, enter upon any land between the
23 termini of the proposed lines for the purpose of examining, locating
24 and surveying such lines, doing no unnecessary damage thereby.

25 **Sec. 67.** RCW 82.26.060 and 2009 c 154 s 3 are each amended to
26 read as follows:

27 (1) Every distributor shall keep at each place of business
28 complete and accurate records for that place of business, including
29 itemized invoices, of tobacco products held, purchased, manufactured,
30 brought in or caused to be brought in from without the state, or
31 shipped or transported to retailers in this state, and of all sales
32 of tobacco products made.

33 (2) These records shall show the names and addresses of
34 purchasers, the inventory of all tobacco products, and other
35 pertinent papers and documents relating to the purchase, sale, or
36 disposition of tobacco products. All invoices and other records
37 required by this section to be kept shall be preserved for a period

1 of five years from the date of the invoices or other documents or the
2 date of the entries appearing in the records.

3 (3) At any time during usual business hours the department,
4 board, or its duly authorized agents or employees, may, subject to
5 RCW 9A.52.070 and 9A.52.080, enter any place of business of a
6 distributor, without a search warrant, and inspect the premises, the
7 records required to be kept under this chapter, and the tobacco
8 products contained therein, to determine whether or not all the
9 provisions of this chapter are being fully complied with. (~~If the~~
10 ~~department, board, or any of its agents or employees, are denied free~~
11 ~~access or are hindered or interfered with in making such examination,~~
12 ~~the registration certificate issued under RCW 82.32.030 of the~~
13 ~~distributor at such premises shall be subject to revocation, and any~~
14 ~~licenses issued under this chapter or chapter 82.24 RCW are subject~~
15 ~~to suspension or revocation, by the department or board.))~~

16 **Sec. 68.** RCW 82.26.080 and 2005 c 180 s 5 are each amended to
17 read as follows:

18 (1) Every retailer shall procure itemized invoices of all tobacco
19 products purchased. The invoices shall show the seller's name and
20 address, the date of purchase, and all prices and discounts.

21 (2) The retailer shall keep at each retail outlet copies of
22 complete, accurate, and legible invoices for that retail outlet or
23 place of business. All invoices required to be kept under this
24 section shall be preserved for five years from the date of purchase.

25 (3) At any time during usual business hours the department,
26 board, or its duly authorized agents or employees may, subject to RCW
27 9A.52.070 and 9A.52.080, enter any retail outlet without a search
28 warrant, and inspect the premises for invoices required to be kept
29 under this section and the tobacco products contained in the retail
30 outlet, to determine whether or not all the provisions of this
31 chapter are being fully complied with. (~~If the department, board, or~~
32 ~~any of its agents or employees, are denied free access or are~~
33 ~~hindered or interfered with in making the inspection, the~~
34 ~~registration certificate issued under RCW 82.32.030 of the retailer~~
35 ~~at the premises is subject to revocation, and any licenses issued~~
36 ~~under this chapter or chapter 82.24 RCW are subject to suspension or~~
37 ~~revocation by the department.))~~

1 **Sec. 69.** RCW 86.09.226 and 1937 c 72 s 76 are each amended to
2 read as follows:

3 The district board and its agents and employees (~~shall have the~~
4 ~~right to~~) may, subject to RCW 9A.52.070 and 9A.52.080, enter upon
5 any land, to make surveys and may locate the necessary flood control
6 works and the line for canal or canals, dike or dikes and other
7 instrumentalities and the necessary branches and parts for the same
8 on any lands which may be deemed necessary for such location.

9 **Sec. 70.** RCW 87.03.140 and 1921 c 129 s 6 are each amended to
10 read as follows:

11 The board, and its agents and employees, (~~shall have the right~~
12 ~~to~~) may, subject to RCW 9A.52.070 and 9A.52.080, enter upon any land
13 to make surveys, and may locate the necessary irrigation or drainage
14 works, power plants, power sites or power lines and the line for any
15 canal or canals, and the necessary branches of laterals for the same,
16 on any lands which may be deemed best for such location. Said board
17 shall also have the power to acquire, either by purchase or
18 condemnation, or other legal means, all lands, waters, water rights,
19 and other property necessary for the construction, use, supply,
20 maintenance, repair and improvements of said canal or canals and
21 irrigation and drainage works, including canals and works constructed
22 or being constructed by private owners, or any other person, lands
23 for reservoirs for the storage of needful waters and all necessary
24 appurtenances. The board may also construct the necessary dams,
25 reservoirs and works for the collection of water for the said
26 district, and may enter into contracts for a water supply to be
27 delivered to the canals and works of the district, and do any and
28 every lawful act necessary to be done in order to carry out the
29 purposes of this act; and in carrying out the aforesaid purposes the
30 bonds of the district may be used by the board, at not less than
31 ninety percent of their par value in payment. The board may enter
32 into any obligation or contract with the United States or with the
33 state of Washington for the supervision of the construction, for the
34 construction, reconstruction, betterment, extension, sale or
35 purchase, or operation and maintenance of the necessary works for the
36 delivery and distribution of water therefrom under the provisions of
37 the state reclamation act, or under the provisions of the federal
38 reclamation act, and all amendments or extensions thereof, and the
39 rules and regulations established thereunder, or it may contract with

1 the United States for a water supply or for reclamation purposes in
2 general under any act of congress which, for the purposes of this
3 act, shall be deemed to include any act of congress for reclamation
4 purposes heretofore or hereafter enacted providing for and permitting
5 such contract, or for the collection of money due or to become due to
6 the United States, or for the assumption of the control and
7 management of the works; and in case contract has been or may
8 hereafter be made with the United States, as herein provided, bonds
9 of the district may be deposited with the United States as payment or
10 as security for future payment at not less than ninety percent of
11 their par value, the interest on said bonds to be provided for by
12 assessment and levy as in the case of other bonds of the district,
13 and regularly paid to the United States to be applied as provided in
14 such contract, and if bonds of the district are not so deposited, it
15 shall be the duty of the board of directors to include as part of any
16 levy or assessment provided in RCW 87.03.260 an amount sufficient to
17 meet each year all payments accruing under the terms of any such
18 contract. The board may accept on behalf of the district appointment
19 of the district as fiscal agent of the United States or the state of
20 Washington or other authorization of the district by the United
21 States or the state of Washington to make collections of money for or
22 on behalf of the United States or the state of Washington in
23 connection with any federal or other reclamation project, whereupon
24 the district, and the county treasurer for the district, shall be
25 authorized to so act and to assume the duties and liability incident
26 to such action, and the said board shall have full power to do any
27 and all things required by the federal statutes now or hereafter
28 enacted in connection therewith, and all things required by the rules
29 and regulations now or that may hereafter be established by any
30 department of the federal government in regard thereto.

31 The use of all water required for the irrigation of the lands
32 within any district, together with rights-of-way for canals,
33 laterals, ditches, sites for reservoirs, power plants, sites, and
34 lines, and all other property required in fully carrying out the
35 purposes of the organization of the district is hereby declared to be
36 a public use; and in condemnation proceedings to acquire any property
37 or property rights for the use of the district, the board of
38 directors shall proceed in the name of the district, in the manner
39 provided in this state in cases of appropriation of lands, real
40 estate and other property by private corporations: PROVIDED, That the

1 irrigation district, at its option, pursuant to resolution to that
2 end duly passed by its board of directors may unite in a single
3 action proceedings for the acquisition and condemnation of different
4 tracts of land needed by it for rights-of-way for canals, laterals,
5 power plants, sites, and lines and other irrigation works which are
6 held by separate owners. And the court may, on the motion of any
7 party, consolidate into a single action separate suits for the
8 condemnation of rights-of-way for such irrigation works whenever from
9 motives of economy or the expediting of business it appears desirable
10 so to do: PROVIDED FURTHER, That there shall be a separate finding of
11 the court or jury as to each tract held in separate ownership.

12 In any condemnation proceeding brought under the provisions of
13 this act to acquire canals, laterals and ditches and rights-of-way
14 therefor, sites, reservoirs, power plants and pumping plants and
15 sites therefor, power canals, transmission lines, electrical
16 equipment and any other property, and if the owner or owners thereof
17 or their predecessors shall have issued contracts or deeds agreeing
18 to deliver to the holders of said contracts or deeds water for
19 irrigation purposes, or authorizing the holders thereof to take or
20 receive water for irrigation purposes from any portion of said
21 property or works, and if the delivery of said water or the right to
22 take or receive the same shall in any manner constitute a charge
23 upon, or a right in the property and works sought to be acquired, or
24 any portion thereof, the district shall be authorized to institute
25 and maintain said condemnation proceedings for the purpose of
26 acquiring said property and works, and the interest of the owners
27 therein subject to the rights of the holders of such contracts or
28 deeds, and the court or jury making the award shall determine and
29 award to such owner or owners the value of the interest to be so
30 appropriated in said condemnation proceedings.

31 **Sec. 71.** RCW 89.30.211 and 1933 c 149 s 11 are each amended to
32 read as follows:

33 The reclamation district board and its agents and employees
34 (~~shall have the right to~~) may, subject to RCW 9A.52.070 and
35 9A.52.080, enter upon any land, to make surveys and may locate the
36 necessary irrigation works and the line for canal or canals and the
37 necessary branches for the same or for necessary transmission power
38 lines on any lands which may be deemed necessary for such location.

1 **Sec. 72.** RCW 90.16.040 and 1901 c 143 s 2 are each amended to
2 read as follows:

3 Every corporation that is now or that may hereafter be
4 incorporated under the laws of this state, or of any other state or
5 territory of the United States and doing business in this state, for
6 the purpose of conveying water by ditches, flumes, pipe lines,
7 tunnels or any other means for the utilization of water power,
8 (~~shall have the right to~~) may, subject to RCW 9A.52.070 and
9 9A.52.080, enter upon any land between the termini of the proposed
10 ditches, flumes, pipe lines, tunnels or any other means for the
11 utilization of water power, for the purpose of examining, locating
12 and surveying such ditches, flumes, pipe lines, tunnels or any other
13 means for the utilization of water power, doing no unnecessary damage
14 thereby.

15 **Sec. 73.** RCW 90.48.090 and 1994 c 232 s 21 are each amended to
16 read as follows:

17 The department or its duly appointed agent (~~shall have the right~~
18 ~~to~~) may, subject to RCW 9A.52.070 and 9A.52.080, enter at all
19 reasonable times in or upon any property, public or private, for the
20 purpose of inspecting and investigating conditions relating to the
21 pollution of or the possible pollution of any of the waters of this
22 state.

23 The department shall have special inspection requirements for
24 metals mining and milling operations regulated under chapter 232,
25 Laws of 1994. The department shall inspect these mining and milling
26 operations at least quarterly in order to ensure compliance with the
27 intent and any permit issued pursuant to this chapter. The department
28 shall conduct additional inspections as needed during the
29 construction phase of these mining operations in order to ensure
30 compliance with this chapter.

31 **Sec. 74.** RCW 90.76.060 and 1998 c 155 s 5 are each amended to
32 read as follows:

33 (1) If necessary to determine compliance with the requirements of
34 this chapter, an authorized representative of the state engaged in
35 compliance inspections, monitoring, and testing may, by request,
36 require an owner or operator to submit relevant information or
37 documents. The department may subpoena witnesses, documents, and
38 other relevant information that the department deems necessary. In

1 the case of any refusal to obey the subpoena, the superior court for
2 any county in which the person is found, resides, or transacts
3 business has jurisdiction to issue an order requiring the person to
4 appear before the department and give testimony or produce documents.
5 Any failure to obey the order of the court may be punished by the
6 court as contempt.

7 (2) Any authorized representative of the state may require an
8 owner or operator to conduct monitoring or testing.

9 (3) Upon reasonable notice and subject to RCW 9A.52.070 and
10 9A.52.080, an authorized representative of the state may enter a
11 premises or site subject to regulation under this chapter or in which
12 records relevant to the operation of an underground storage tank
13 system are kept. In the event of an emergency or in circumstances
14 where notice would undermine the effectiveness of an inspection,
15 notice is not required. The authorized representative may copy these
16 records, obtain samples of regulated substances, and inspect or
17 conduct monitoring or testing of an underground storage tank system.

18 (4) For purposes of this section, the term "authorized
19 representative" or "authorized representative of the state" means an
20 enforcement officer, employee, or representative of the department.

21 NEW SECTION. **Sec. 75.** Section 6 of this act takes effect July
22 1, 2020.

23 NEW SECTION. **Sec. 76.** Section 5 of this act expires July 1,
24 2020.

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