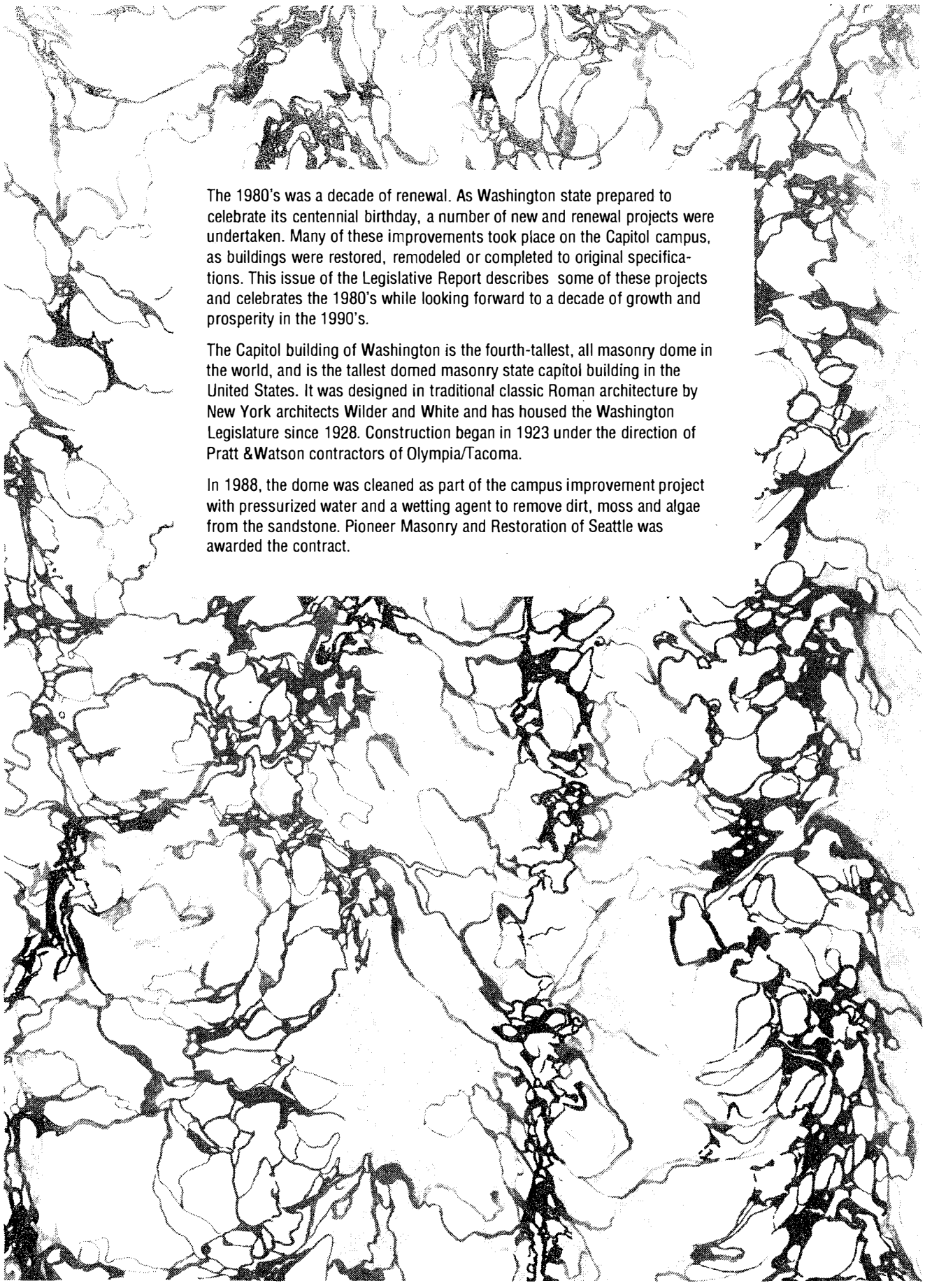
Fifty-first Washington State Legislature

1990 Regular and First Special Sessions



The 1980's was a decade of renewal. As Washington state prepared to celebrate its centennial birthday, a number of new and renewal projects were undertaken. Many of these improvements took place on the Capitol campus, as buildings were restored, remodeled or completed to original specifications. This issue of the Legislative Report describes some of these projects and celebrates the 1980's while looking forward to a decade of growth and prosperity in the 1990's.

The Capitol building of Washington is the fourth-tallest, all masonry dome in the world, and is the tallest domed masonry state capitol building in the United States. It was designed in traditional classic Roman architecture by New York architects Wilder and White and has housed the Washington Legislature since 1928. Construction began in 1923 under the direction of Pratt &Watson contractors of Olympia/Tacoma.

In 1988, the dome was cleaned as part of the campus improvement project with pressurized water and a wetting agent to remove dirt, moss and algae from the sandstone. Pioneer Masonry and Restoration of Seattle was awarded the contract.

Fifty-first Washington State Legislature

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Rotunda

The Legislative Building was first occupied in 1928. Lack of funding prevented interior completion of the rotunda until 1985. The multi-phase completion project included the decorative painting of the rotunda, legislative chambers, and other public areas. Painting was complemented by bronze and marble cleaning and lighting refurbishment.

Bronze specialists, marble craftsmen, and gold-leaf painters contributed artisan talents to the completion of the rotunda. The 5-ton bronze chandelier, originally designed by Tiffany's of New York, was cleaned and lacquered in its permanent position because of its size. The Alaskan Tokeen marble was cleaned and polished.The torchiers, railings and other bronze work were restored to original brilliance. And, the rotunda's plain plaster surfaces were brought to life with colorful overlay, and gold-leaf on the 148 rosettes and coffers. The completion of the rotunda was celebrated in a dedication ceremony on January 15, 1987.

This final edition of the 1990 Legislative Report is available from:

The Legislative Bill Room
Legislative Building
Olympia, Washington 98504

In accordance with RCW 42.17.300, it is available at a fee based on actual reproduction costs. The price is $7.50 per copy.

For more detailed information regarding 1990 legislation, contact:

The House Office of Program Research
205 John L. O'Brien Building
Olympia, Washington 98504
(206) 786-7100

Senate Committee Services
101 John A. Cherberg Building
Olympia, Washington 98504
(206) 786-7400

Washington State Legislature

Legislative Building • Olympia, Washington 98504

April 1990

TO: Lieutenant Governor Joel Pritchard, and Members of the Washington State Legislature

This final edition of the **Legislative Report** is a summary of legislative action during the 1990 Regular and First Special Sessions of the 51st Legislature. It provides summaries of legislation which passed the Legislature, budget highlights and a record of all gubernatorial actions.

Additional information is available from Senate Committee Services and the House Office of Program Research.

Sincerely,

Jeannette Hayner
Senate Majority
Leader

Joseph E. King
Speaker of the
House of Representatives

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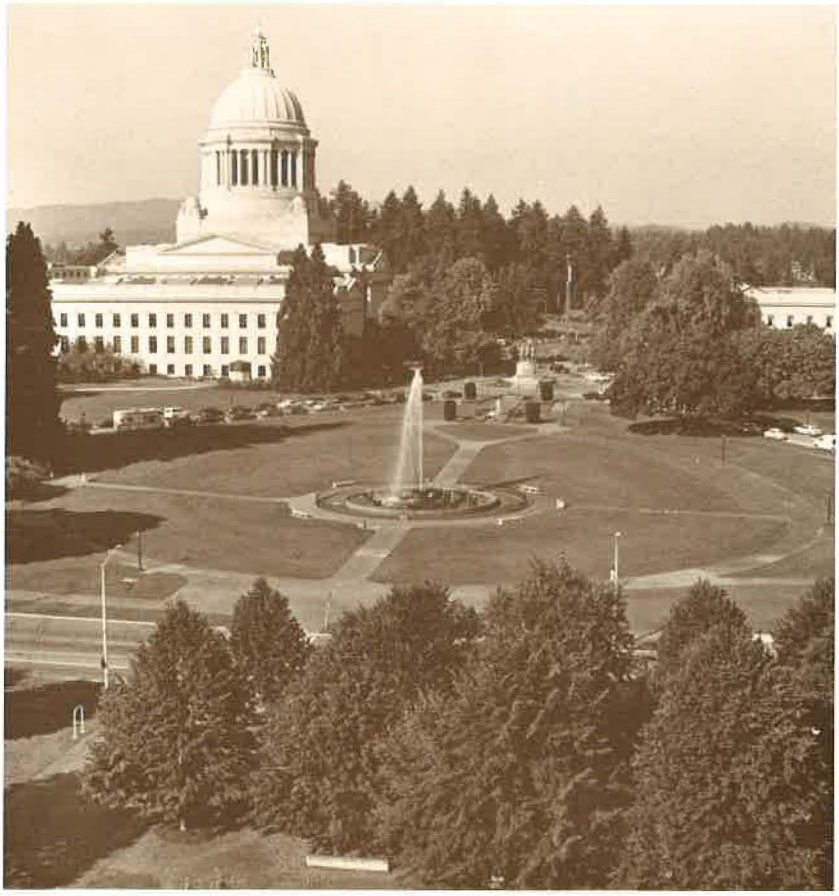

Tivoli Fountain

The Tivoli Fountain was installed as part of the Capitol campus landscaping in 1953 and is a brass replica of the famous Tivoli Gardens Fountain in Copenhagen, Denmark. The construction of the fountain was originally conceived by local brewer, Peter Schmidt after he visited that country. Many of the essential parts of the fountain were brought to Olympia from Denmark by Schmidt.

Symbolic of the abundant water supply of the state, the fountain was a gift from the Olympia/Tumwater Foundation, under the direction of the Schmidt family. A central geyser of water, which rises twenty-five feet in the air, is surrounded by jets of recirculating water. The diameter of the fountain is fifty-feet. Repairs and cleaning were begun in August, 1986 and the fountain began operating again in March, 1987.

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Statistical Summary – *1990 Regular and First Special Legislative Sessions*

Bills Before Legislature	Introduced	Passed Legislature	Vetoed	Partially Vetoed	Enacted
1990 Regular Session (January 8 -March 8)					
House	778	159	5	18	154
Senate	742	64	2	14	162
1990 First Special Session (March 9 – April 1)					
House	9	9	0	3	9
Senate	7	9	1	2	8
TOTALS	**1,536**	**341**	**8**	**37**	**333**

Initiatives, Joint Memorials, Joint Resolutions and Concurrent Resolutions Before Legislature	Introduced	Filed with the Secretary of State
1990 Regular Session (January 8 -March 8)		
House	16	5
Senate	34	13
1990 First Special Session (March 9 – April 1)		
House	2	1
Senate	2	2
TOTALS	**54**	**21**

Gubernatorial Appointments	Referred	Confirmed
1990 Regular Session (January 8 -March 8)	131	49
1990 First Special Session (March 9 – April 1)	0	3

Section I Legislation Passed

House Legislation
Senate Legislation
Budget Information
Sunset Legislation

The John A. Cherberg and John L. O'Brien Buildings

The two buildings that flank the Legislative building to the southeast and southwest were originally named the "Public Lands-Social Security Building" and the "Public Health Building." Part of the original group plan designed by New York architects Wilder and White, the buildings were completed by Olympia architect Joseph Wohleb under the FERA program of the Roosevelt administration. These buildings differ from earlier designs in sandstone architecture in that they are constructed of reinforced concrete faced with Washington Wilkeson sandstone.

The "Public Lands" building was completed in 1937 and presently houses offices of the state Senate and staff and Senate Committee Services as well as the Public Lands Commissioner and Department of Natural Resources offices. It was officially rededicated in 1988 to honor Lt. Governor John A. Cherberg. Cherberg served as Lieutenant Governor for thirty-two years, the longest-serving of any lieutenant governor in the United States. He retired from that position in 1989, and was appointed as Ambassador of Goodwill for the State of Washington by Governor Booth Gardner.

The "Public Health Building," known as the House Office Building, was completed in 1940, and extensively remodeled in 1982. It contains the offices of the House of Representatives and staff, as well as the Office of Program Research. It was officially rededicated March 17, 1989 to honor Washington statesman John L. O'Brien. O'Brien has led a distinguished legislative career in representing the thirty-seventh legislative district for over twenty-five terms, the longest tenure of anyone in state history.

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HB 1055

C 45 L 90

By Representatives R. Fisher, Chandler, Zellinsky, Fraser, D. Sommers and Smith

Financing fire protection for state-owned buildings.

House Committee on State Government
Senate Committee on Governmental Operations

Background: State-owned property is not routinely assessed for value and does not generate property tax revenue to support the provision of fire protection services. Therefore, the state has developed a variety of methods to reimburse the jurisdictions providing fire protection services.

Cities and towns are reimbursed through the Department of Community Development (DCD). DCD is required to include, in its budget, funds sufficient to fund fire protection contracts made between state agencies and local communities. The rate of reimbursement is calculated by dividing the total state-owned square-footage into the appropriation granted by the Legislature. For fiscal year 1988-89, the allocation for the program was $437,000 for the 93 cities participating, which provided reimbursement at a rate of about 1.17 cents per square foot.

If a community and the contracting state agency agree that the money provided through DCD is inadequate, a separate contract may be negotiated for supplemental funds. Six cities negotiate additional contracts, and the supplemental reimbursement is funded through the agency's budget.

State agencies and local school districts with equipment or buildings located outside city limits must negotiate a contract with the appropriate fire protection district. The reimbursement of fire protection districts is not centrally administered under a single agency and the contracts negotiated can vary widely.

In addition, the six institutions of higher education do not all use the same method of reimbursement for fire protection to the jurisdictions in which they are located.

Summary: The Office of Financial Management is directed to study the methods used by the state in reimbursing communities and fire protection districts for fire protection of state-owned property. The study shall make recommendations to improve the consistency of payments. Under the recommended method, consideration may be given to the type of facility being protected, and payments below a recommended minimum are to be eliminated.

The study will be submitted to the Ways and Means and Governmental Operations committees of the Senate, and the Appropriations and State Government committees of the House of Representatives by December 1, 1990.

Votes on Final Passage:

House	97	0
Senate	47	0

Effective: March 14, 1990

SHB 1264

C 99 L 90

By Committee on Local Government (originally sponsored by Representatives Nealey, Haugen, Ferguson, McLean, Horn, Cooper and Moyer)

Changing provisions relating to local registrars.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Local registrars of vital documents (i.e., local health officers) are authorized to sign fully completed birth certificates and to issue burial-transit permits for fully completed death and fetal death certificates. The certificates become official when such records of certificates are made pursuant to requirements established by the state registrar, the secretary of the Department of Social and Health Services.

On or before the 10th day of each month, local registrars are required to forward to the state registrar the original of these certificates that were so recorded in the preceding month. The health officer of a first-class city may require two original certificates to be filed and may retain one of the duplicate original certificates as the city record.

Certified copies of these certificates may be issued by the local registrar while the original is in the registrar's possession. Certified copies of these certificates are made by the state registrar.

Summary: Local registrars shall transmit all original death and fetal death certificates to the state registrar no less than 30 days after the certificates are filed, nor more than 60 days after the certificates are filed. On or before the 15th day and the last day of each month, each local registrar must transmit all original birth certificates that have been filed on or before the preceding day that have not been transmitted previously. When the state registrar requests the transfer of a certificate, the local registrar shall transfer the record immediately.

Local registrars in counties in which a first–class city or a city with a population of 27,000 or more is located may retain an exact copy of the original birth, death, or fetal death certificate and make certificated copies of the exact copy.

Votes on Final Passage:

House 92 0
Senate 46 0

Effective: June 7, 1990

HB 1307

C 283 L 90

By Representatives Phillips, Holland, Wang and Appelwick; by request of Department of Revenue

Revising assessment levels for equalizing personal property.

House Committee on Revenue
Senate Committee on Ways & Means

Background: Both real and personal property is subject to state taxation. Real property consists of land and buildings. Personal property includes all items not considered as real property. Household personal property items, such as furnishings, are exempt from property taxation.

All property must be assessed at 100 percent of market value. Due to disparate assessment practices among counties, actual assessment levels are generally less than 100 percent. The Department of Revenue calculates the ratio of actual assessments to market value for each county, and calls this the "indicated ratio." The indicated ratio is used in the next calendar year to adjust the state levy rate in each county so that the state levy applies uniformly across the state, regardless of variations in assessment levels among 10 counties. To calculate the indicated ratio, the department conducts "ratio studies" that include audits of assessments of both real and personal property in each county.

Taxpayers must submit a list stating the value of their taxable personal property to the county assessor by March 31 of each year. These lists are known as "personal property affidavits."

Prior to 1982, the Department of Revenue established the personal property "indicated ratio" using data from the previous assessment year. Using data from the previous year had the advantage of giving taxpayers the time to complete and file accurate personal property reports and to complete the necessary records for subsequent audit verification.

In 1982, the state tax appeals board determined that the department should establish the personal property ratio using the current data from the current year's assessments. Annual reports since 1983 have complied with this determination.

Using the current year's assessment data has caused problems. Taxpayers argue that they do not have time to prepare accurate reports. In addition, because of time constraints, the department is not able to conduct a comprehensive study to determine the indicated ratio or to conduct a thorough on–site audit program.

In June 1988, the Efficiency and Accountability Commission study by the Department of Revenue reviewed these problems and recommended a statutory solution.

Property of veterans' organizations recognized by the United States Department of Defense is exempt from property tax. The property must be used for the purposes and objects of the organization. Property that is loaned or rented to another organization is tax exempt only if the other organization is exempt.

The real and personal property of a nonprofit organization used in providing nonpermanent shelter to indigent homeless persons is exempt from property tax. The exemption applies if the charge for shelter does not exceed the actual costs of operating and maintaining the shelter facility.

Library, fire, hospital, and metropolitan park districts may seek voter approval to increase property tax levy rates for protection of the district's levy. A levy rate of up to $.35 per $1,000 of assessed value may be imposed to protect the levy from being prorationed over a five–year period.

Summary: When conducting ratio studies for equalization of the state levy for personal property, the Department of Revenue shall use data from the preceding assessment year.

Property of veterans' organizations that is loaned or rented is exempt from property taxes except in instances where the rented or loaned property is used for pecuniary gain or to promote business activities. Fund raising activities conducted in the loaned or rented property does not disqualify the organization from receiving the tax exemption.

Leased or rented property of nonprofit organizations operating nonpermanent shelters for indigent homeless persons or victims of domestic violence who are homeless for personal safety reasons is exempt from property taxes. The leased or rented property exemption benefit must inure to the nonprofit organization. The exemption is provided for taxes due through the year 1999.

Hospital and metropolitan park districts that have received voter approval for additional levies for prorationing protection may continue the rate in full force during the time so authorized. The levy rate for prorationing protection may not reduce the levy of another taxing district including the levy of a fire, library, or emergency medical services district, or a conservation futures levy imposed by a county.

Votes on Final Passage:

House	92	0	
Senate	45	1	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	45	0
House	95	0

Effective: June 7, 1990

HB 1323

C 192 L 90

By Representatives Hine, Silver, Sayan, D. Sommers, Patrick, McLean, Bristow, H. Sommers, Bowman, Day, Wineberry, Dorn, Dellwo, Crane, Brough, Valle, Rector, Wang, Betrozoff, R. Fisher, Fraser, Basich, O'Brien, Locke, May, P. King, Phillips, Pruitt, Brekke, Appelwick, Jacobsen, Van Luven, Wood and Horn; by request of Joint Committee on Pension Policy

Changing provisions relating to portability of public employment retirement benefits.

House Committee on Appropriations
Senate Committee on Ways & Means

Background: Most city, county, and state employees in Washington state are members of the Public Employees Retirement System (PERS). However, the cities of Seattle, Tacoma, and Spokane each have a city employee retirement system that covers their employees.

As a general rule, when a public employee moves from a job covered by one retirement system to a job covered by a different retirement system, the employee's retirement service credit is split between the two retirement systems. For example, a person who works for King County (PERS) and then becomes an employee of the City of Seattle would have retirement service credit in two different systems. Having credits in two systems may cause the employee problems for two reasons:

1) If the employee did not work long enough for his or her benefits to vest under one of the systems (generally five years), he or she will receive no retirement benefit from that system; and

2) Even if the employee has a "vested" benefit, that benefit will be calculated using the compensation that the employee earned while a member of that system. The compensation earned under that system might be much lower than the compensation earned immediately prior to retirement.

In 1987 and 1988 portability legislation was enacted that allows members of the Public Employees Retirement System (PERS), the Teachers Retirement System (TRS), and the Washington State Patrol Retirement System, to move between those three systems without suffering a significant reduction in their retirement benefits.

The legislation permits employees to combine their service in those three systems for the purpose of determining retirement eligibility. (PERS, Plan I and TRS, Plan I both allow members to retire at age 55 with 25 years of service, or at any age with 30 years of service.) It also allows members to calculate their retirement allowances using the "base salary" earned in any of the four systems. (Base salary is defined as the salaries or wages earned by a member, excluding any overtime and lump sum payments.)

The portability legislation enacted in 1987 also provided a process by which the three first class city retirement systems (Seattle, Spokane, Tacoma) could petition the Legislature prior to January 1, 1988, for coverage under the legislation. Each city did petition for such coverage but the Legislature did not take action on those petitions during the 1988 session.

Summary: The cities of Seattle, Tacoma, and Spokane are provided the option of including their city employee retirement systems under the statute allowing portability between specified public retirement systems.

The cities must make the election by resolution prior to December 1, 1990, and the coverage will begin on January 1, 1991. If all three cities exercise the option by June 1, 1990, the coverage will begin on July 1, 1990.

The three cities are also given the option, on a case by case basis, of allowing newly hired employees who are PERS members to continue their membership in PERS.

The Department of Retirement Systems is required to adopt rules that ensure that the entire added cost incurred as a result of a dual member receiving credit under the portability statute is borne by the city retirement system of which the person is a member.

Votes on Final Passage:

House	92	0	
Senate	46	0	(Senate amended)
House	94	0	(House concurred)

Effective: March 26, 1990

SHB 1394

C 39 L 90

By Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn and Baugher)

Revising irrigation district bidding requirements.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: With certain exceptions, if the board of directors of an irrigation district decides to purchase work or materials by contract, it must use a publicly conducted, sealed bidding procedure.

A sewer or water district may let a contract for a project using a small works roster if the cost of the project is less than $25,000. An exception to the bidding requirements established for such districts is provided for purchases limited to a single source of supply and purchases involving special facilities, services, or market conditions that may be best secured by direct negotiation. The requirements for public bids are also waived in certain emergencies.

Summary: The board of an irrigation district may use telephone or written bidding by persons on a small works roster to let a contract for a project costing less than $100,000. The roster is composed of all responsible contractors who have requested to be on the list. The roster must be revised annually. Immediately after an award is made, the bid quotations must be recorded, open to public inspection, and available by telephone inquiry.

The provisions of irrigation district law requiring public bidding on contracts do not apply in certain emergencies. Nor do they apply to purchases that are clearly and legitimately limited to a single source of supply or to purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best set by direct negotiation.

Votes on Final Passage:

House	97	0	
Senate	48	0	

Effective: June 7, 1990

SHB 1450

C 102 L 90

By Committee on Transportation (originally sponsored by Representatives R. Meyers, Heavey, Schmidt, Walk, D. Sommers, Todd, Kremen, Jones, Zellinsky, Haugen, Wood, Prentice, Cooper, Chandler and Winsley)

Regulating motor fuel quality.

House Committee on Transportation
Senate Committee on Transportation

Background: Motor gasoline standards were first established in 1937, and have been updated nearly every year since 1970. Currently, 39 states have motor fuel quality standards. Twenty–nine require all motor fuels to meet the standards of the American Society of Testing and Materials, and 10 states have set their own standards. Eleven states, including Washington, have no motor fuel quality laws.

Summary: A motor fuel quality program is established within the Department of Agriculture. The department is authorized to sample and test all motor vehicle fuels sold in the state. All motor vehicle fuels must be registered before being offered for sale. A willful violation of this provision is punishable as a misdemeanor.

A civil penalty ranging from $100 to $10,000 is created. The penalty will be assessed on the degree of severity of the violation, and the violator's previous history. All civil penalties are to be deposited in the motor vehicle fund.

Votes on Final Passage:

House	95	0	
Senate	48	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 1, 1990

HB 1491

PARTIAL VETO

C 156 L 90

By Representatives Leonard, Schoon, Moyer, Prentice, Anderson, Raiter, Hine, Wineberry, Todd, Vekich, Cooper, Brekke, Jacobsen, Nelson, R. King, Pruitt, Sayan, Spanel, Basich and Rasmussen

Redefining the role of the community action agency network.

House Committee on Human Services
Senate Committee on Children & Family Services

Background: Prior to 1981, federal grants for services to low-income, elderly, and disabled people went directly to community action agencies, defined under federal law, to provide locally determined services. After 1981, the distribution of those anti-poverty funds was changed to community service block grants to the states.

There is no statutory recognition of the role of the 31 community action agencies in the state, nor is there a statutory determination of how or by whom federal community block grants should be disbursed.

Summary: The community action agency network is recognized as a delivery system for federal and state anti-poverty programs in the state. Local community action agencies, and their service areas, must be designated in the state/federal community service block grant plan that is developed by the Department of Community Development.

A community action agency is defined as an office that is either a political subdivision of the state, or a local organization qualifying under federal law as non-profit. Non-profit organizations must be governed by a community action board consisting of between nine and 33 members, with one-third being public officials, one-third representing the poor, and the remainder from the community at large.

The powers of the governing board include the appointment of the executive director, approval of the budget, contracting and operational affairs, and program evaluation and audit.

A public community action agency must have the program administered by the community action board, which is accountable to its governing public agency. The duties of the administrative board include review and consultation on development of program policy, consultation on appointment of the director, monitoring and evaluation of programs; and accountability, with assurances against discrimination.

Votes on Final Passage:

House	95	0
Senate	44	0

Effective: June 7, 1990

Partial Veto Summary: The section of the bill was vetoed that defined community action agency, specified the organization and powers of community action boards, and required local community action agencies to have such boards to control the administration of federal and state anti-poverty funds disbursed by state agencies. (See VETO MESSAGE)

HB 1523

C 46 L 90

By Representatives Kremen, Braddock and Spanel

Revising provisions for contractor advertising.

House Committee on Commerce & Labor
Senate Committee on Economic Development & Labor

Background: A construction contractor is required to include the contractor's registration number in all advertising, including advertising by radio and television, when the advertising shows or announces the contractor's name or address.

Summary: A construction contractor is not required to include the contractor's registration number in advertisements by airwave transmission that announce the contractor's name or address if the seller of the advertisement obtains the contractor's registration number.

Votes on Final Passage:

House	96	0
Senate	45	0

Effective: June 7, 1990

SHB 1565

C 175 L 90

By Committee on Judiciary (originally sponsored by Representatives Locke, Wang, Brough, Padden, Belcher, Wineberry, Winsley and R. Fisher)

Relating to family relationships presumed to be valid for immigrants.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Immigrants to this country often bring with them, or acquire through the immigration process, documents that show family relationships such as marriage or parenthood. In some instances these documents have not been accepted by courts in this state as evidence of a family relationship.

In paternity actions, certain evidence such as marriage or birth documents can lead to a presumption of paternity. Such a presumption may be overcome only by clear, cogent, and convincing evidence.

Summary: A determination by the federal immigration service as to a family relationship is presumptively valid under state law. With respect to relationships

other than paternity, the presumption may be overcome by a living person who proves by a preponderance of evidence that he or she is actually in the relationship shown by the documents.

Immigration service determinations are added to the kinds of evidence that may give rise to a presumption of paternity that may only be overcome by clear, cogent, and convincing evidence. An immigration service determination will give rise to such a presumption if the presumed father had an opportunity to deny or admit the relationship at the time of entry into this country.

Votes on Final Passage:

House	89	0
Senate	49	0

Effective: June 7, 1990

HB 1571

C 40 L 90

By Representatives R. Fisher, McLean and Sayan; by request of Secretary of State

Changing the procedure for filling port district vacancies.

House Committee on State Government
Senate Committee on Governmental Operations

Background: State laws governing port districts establish criteria for determining when a special election is to be held to fill a vacancy in the office of port commissioner. The state's Election Code provides different criteria.

Summary: A special election held by a port district to fill an unexpired term in the office of port commissioner must be conducted under the Election Code's criteria.

Votes on Final Passage:

House	98	0
Senate	43	0

Effective: June 7, 1990

SHB 1597

C 223 L 90

By Committee on State Government (originally sponsored by Representatives Patrick, Tate, Sayan, Bowman, Nelson, Todd, Brumsickle and Rust)

Establishing a geologists' review board.

House Committee on State Government
Senate Committee on Governmental Operations

Background: Geologists lend expertise to engineering projects, ground water inspections, land use planning, mineral exploration and development, and geologic and seismic hazards determinations. Nineteen states currently regulate professional geologists. Oregon, for example, requires that anyone professionally preparing geologic maps, plans, or reports be registered by the State Board of Geologist Examiners. Registrants must meet a number of educational and experience requirements and pass an examination prepared by the board.

Washington does not regulate professional geologists. When geologic reports or plans are required to determine the stability of a construction site with respect to landslides, drainage problems, or seismic hazards, counties and cities often rely on the expertise of registered civil engineers with a specialty in geotechnical engineering.

Summary: The Legislature finds that it may be in the public interest to establish qualifications for the practice of geological work.

The Department of Licensing (DOL) will conduct an evaluation of professional geological work to determine the extent to which the state should regulate its practice. DOL is to consult and cooperate with professional associations directly involved with the practice of geology. DOL's findings and recommendations will be submitted to the Legislature by December 1, 1990.

If DOL finds it to be in the public interest to regulate the practice of professional geological work, it will prepare a legislative proposal to implement regulation. The proposal may include: definitions and criteria for qualification and practice as a professional geologist in Washington, provisions creating a professional geologist board, powers and responsibilities for the board, and a system of reciprocity for professional geologists registered in other states.

The provisions expire June 30, 1991.

Votes on Final Passage:

House	95	0	
Senate	48	1	(Senate amended)
House	91	0	(House concurred)

Effective: June 7, 1990

2SHB 1653

C 211 L 90

By Committee on Judiciary (originally sponsored by Representative Appelwick)

Regulating credit agreements.

House Committee on Judiciary
Senate Committee on Financial Institutions & Insurance

Background: Washington has a "statute of frauds" that makes certain kinds of agreements or promises unenforceable by any party unless they are made in writing. Agreements that must be in writing to be enforceable include an agreement to be performed more than one year after its making, an agreement to pay the debts of another, an agreement in consideration of marriage except for a mutual agreement to marry, an agreement by an executor to pay for damages out of his or her own estate, and an agreement to buy or sell real estate on a commission.

Other statutes also require writings for specific purposes such as assignments for the benefit of creditors, conveyances of real property, and rental of residential property.

Summary: A credit agreement is not enforceable against a creditor unless the agreement is in writing and signed by the creditor. A credit agreement is defined as a commitment by a creditor to make a loan. The term also includes an agreement to modify such a commitment, or an agreement not to enforce repayment provisions of such a commitment. Partial performance of an unwritten agreement does not make the agreement enforceable against the creditor.

In order for these provisions to apply, a creditor must give written notice to a debtor that oral agreements are not enforceable. If notice is not given, then the requirement that agreements be in writing before a debtor may sue does not apply. However, once notice has been given to a particular debtor, it is valid for any subsequent credit agreement involving that creditor.

The prohibition against suing creditors for non-written credit agreements does not apply to loans to individuals that are primarily for personal, family, or household purposes.

Votes on Final Passage:

House	95	0
Senate	48	1

Effective: June 7, 1990

HB 1703

C 30 L 90

By Representatives R. Fisher, McLean and Anderson; by request of Office of Financial Management

Revising computation of subsistence and travel expenses.

House Committee on State Government
House Committee on Appropriations
Senate Committee on Governmental Operations

Background: Travel Expenses. The Office of Financial Management (OFM) establishes travel expense and mileage reimbursement schedules for state employees, officials, and members of boards, commissions, or committees. Reimbursement for meals or lodging is granted only when employees are on official business away from the city where their official work station is located. Generally, reimbursement for coffee or light refreshments has not been granted, nor have agencies been allowed to pay for coffee or light refreshments at official meetings or gatherings.

In 1988, a Travel Management Task Force studied the state's travel costs and made recommendations that included reimbursing employees for coffee, meals, or light refreshments at any approved meetings away from the workplace.

Mileage Reimbursement. Employees traveling on official business may use a state car, public transportation, or, when it is more advantageous and economical for the state, a private vehicle. The rate of reimbursement for mileage is not to exceed the 22.5 cents per mile rate used by the federal government for its employees.

In 1988, the Efficiency and Accountability Commission in its study of state motor vehicles recommended encouraging employees to travel in personal vehicles rather than state cars, in part by reimbursing mileage at the 24 cents per mile rate used by the Internal Revenue Service for standard business mileage deductions.

Summary: The director of the Office of Financial Management (OFM) may prescribe reasonable allowances for reimbursing employees or officials who attend an official meeting or training session away from their regular workplace where meals, coffee, or light refreshments are an integral part of the meeting, even if the employee or official is not in travel status (i.e. away from his or her city of work). The employee's agency head must give prior approval to the reimbursement.

Upon approval of the agency head, an agency may serve coffee or light refreshments at an official meeting

if such refreshments are an integral part of the meeting. The director of OFM must adopt requirements to prevent agency abuse of this authority.

State employees or officials may be reimbursed for approved travel in a privately owned vehicle when it is either more advantageous or more economical for the state. Current law requires that use of a private vehicle be both advantageous and economical. The maximum mileage reimbursement rate is no longer the 22.5 cents per mile rate used by the federal government for federal employees, but is increased to the 24 cents per mile rate allowed by the Internal Revenue Service for unsubstantiated mileage deductions.

Votes on Final Passage:

House	97	0
Senate	46	0

Effective: June 7, 1990

HB 1724

C 233 L 90

By Representatives Prentice, Patrick, S. Wilson, Baugher, Walk, Betrozoff, Zellinsky, Wood, Todd, R. Fisher, Nelson, Cooper, Holland, Sayan, D. Sommers, Gallagher, Anderson, Cantwell, Leonard, Haugen and Winsley; by request of Legislative Transportation Committee

Establishing criteria for state highway designation.

House Committee on Transportation
Senate Committee on Transportation

Background: In 1983, the Washington state Legislature authorized a complete study of the state roadway system by the Road Jurisdiction Committee (RJC). Committee membership included county, city, and state transportation officials.

The study was divided into two phases of work. Phase I examined the issue of jurisdiction of roadways and related facilities and developed criteria for determining which roads should be part of the state highway system and which should be local roads.

Phase II analyzed roadway-related needs on the state, county, and city roadway systems and projected the revenues available to meet those needs. It also analyzed the distribution of motor fuel tax and other revenue sources to the state, counties, and cities.

The RJC recommended that the criteria developed in Phase I of the study be enacted as guidelines for the Legislature in making its determinations of what roads should, or should not, be state highways.

Summary: Criteria are enacted as suggested guidelines to assist the Legislature in determining which roads should be state highways and which should be county roads or city streets.

The Road Jurisdiction Committee is to study and make recommendations to the Legislative Transportation Committee regarding financial hardships caused by changes to the state highway system.

Votes on Final Passage:

House	92	0	
Senate	44	1	(Senate amended)
House	94	0	(House concurred)

Effective: June 7, 1990

SHB 1824

C 88 L 90

By Committee on Higher Education (originally sponsored by Representatives Wood, Jacobsen, Wineberry and P. King)

Regarding tuition waivers for state employees at state institutions of higher education.

House Committee on Higher Education
House Committee on Appropriations
Senate Committee on Higher Education and Ways & Means

Background: By law, three types of students may attend institutions of higher education, on a space available basis, without paying tuition and fees. Employees of the state colleges and universities may attend tuition free classes at the institution where they are employed. Senior citizens may attend tuition free classes at any state institution of higher education. Needy people who are unemployed or underemployed, and who are not entitled to unemployment benefits, may attend community colleges without paying tuition and fees.

Employees and senior citizens enrolling on a space available basis will be charged a fee of at least $5 to cover the institution's administrative costs. Student who enroll on a space available basis are not counted in official enrollment reports. The state does not reimburse the colleges and universities for their attendance. In addition, no new course sections may be created as a result of the waivers that they receive.

Summary: State colleges and universities are permitted to waive tuition and fees for eligible state employees. These employees must enroll at the institution on a space available basis and must pay a registration fee of at least $5. No new course sections may be created as

a result of their enrollment. Participating employees will not be included in official enrollment reports and the institutions will not receive any state funding for them.

Permanent full-time state employees in classified service under the State Personnel and Higher Education Personnel systems are eligible to participate.

Votes on Final Passage:

House	92	0	
Senate	44	0	(Senate amended)
House	93	0	(House concurred)

Effective: June 7, 1990

SHB 1825

PARTIAL VETO

C 43 L 90

By Committee on Transportation (originally sponsored by Representatives R. Fisher, Wood, Walk, Nelson, G. Fisher, Day, Hankins, Walker, Cantwell, Todd, Heavey, Winsley, Pruitt, Wang, Prentice, R. King, Scott, Crane and Fraser)

Changing provisions relating to high capacity transportation systems.

House Committee on Transportation
Senate Committee on Transportation

Background: Since 1970, the total miles of rail line in Washington have declined from 5,200 to 3,400. More than 1,000 miles of track were abandoned in the 1980s when federal law eased railroad abandonment procedures. Many of these abandoned rail lines served rural areas and carried primarily agricultural commodities. The abandonment of rail service has resulted in increased use of motor freight carriage on rural county roads and on state highways.

The Legislature has, since 1983, enacted numerous provisions to address the rail freight abandonment issue. These provisions include authorizing the creation of county rail districts to enable local areas to support rail freight services, authorizing port districts to operate rail services, creating a state Rail Assistance Account to provide financial aid to local rail efforts, and authorizing the Department of Transportation to acquire abandoned rail rights-of-way to enhance the likelihood of the reestablishment of rail services. These programs, together with federal rail assistance, have provided limited support for retaining rail services. No state funds have been authorized for these rail assistance or rail preservation programs.

State involvement with rail passenger service has largely been in planning and study efforts. The state has participated in federal studies for improved rail passenger service in the West Coast corridor, with a major study completed in 1978. Evaluations of high-speed type systems in Western Washington were done by the Legislative Transportation Committee in the early 1970s and in 1984. The 1984 study recommended increased efforts to preserve rail rights-of-way for future rail needs, either for high-speed or light rail services.

The Puget Sound Council of Governments and METRO (King County) completed in 1986 a Multi-Corridor Study to assess future needs for improved transportation in the Puget Sound region. That study recommended that a light rail system be implemented by the year 2020 to serve the region's transportation needs. Since that report was issued, both agencies have taken steps to accelerate rail planning, with a 1995 project start date. METRO currently is performing an evaluation of a light rail and a high capacity bus system alternative, and will compare those and other options. It is anticipated that a proposal to fund and develop a recommended system will be submitted to service area voters in the fall of 1992. Existing transit agencies in the Puget Sound area have the authority to build and operate rail transit systems.

In 1987, the Legislature created the Rail Development Commission. This 19-member commission, consisting of local government representatives and private citizens, was directed to develop and recommend to the Legislature a state policy regarding the appropriate state role for rail freight and rail passenger systems. The commission began its work in 1987 and delivered its final report to the Legislature on December 1, 1988. That report recommended state policy for rail freight, including the identification of funding levels necessary to assist local efforts and preserve essential rail corridors. Rail passenger issues addressed included institutional recommendations for development of light rail systems, rights-of-way preservation, and funding for such systems. The future state role with regard to intercity rail systems was also recommended.

Funding for high occupancy vehicle (HOV) lanes in urban counties is limited. The Department of Transportation's current plans project development of 150 lane-miles of HOV lanes on state highways in the Puget Sound area, primarily along the interstate system. Improvements are projected through 1995 but are subject to limitations on funding, primarily federal funding for Interstate-related projects. Projected costs for the system of HOV lanes, not including I-90,

park-and-ride lots, and flyer stops, are about $550-600 million. Over $100 million has already been expended (not including I-90). At least $250 million is anticipated in federal funds. Local facility needs and program approaches are being evaluated through a regional planning effort.

Summary: A state policy is established regarding rail freight assistance, high capacity transportation planning and development, and intercity passenger system encouragement. A process to accelerate development of high occupancy vehicle (HOV) lanes is provided.

Rail Freight. It is declared that it is in the state's interest to preserve certain rail service. The Department of Transportation (DOT) is directed to supplement its rail freight program to include enhanced data collection and improved technical assistance to state agencies and local interests. This assistance may include rail line abandonment cost benefit analyses, assistance in forming county and port rail districts, and feasibility studies for rail service continuation. DOT is directed to monitor the status of the state's light density line system through the State Rail Plan and to seek alternatives to abandonment prior to Interstate Commerce Commission proceedings, where feasible. Criteria are established for identifying components of the state's essential rail system, including those lines serving major agriculture and forest products area terminals, seaports, power plants, major intermodal service points or hubs, lines used for passenger service, and strategic military rail services.

DOT is directed to preserve rail corridors for future rail service based on certain criteria and when funds are specifically allocated for that purpose. The essential rail banking account is created for funds allocated to preserving rail corridors. Money in that account may also be used by the department to provide up to 80 percent of the funding for loans to first class cities, port districts, and county rail districts to purchase unused rail rights-of-way. Those rights-of-way acquired must have been identified, evaluated, and analyzed in the State Rail Plan and the rights-of-way must be intended for abandonment or abandoned and be available for acquisition. Funds for acquisition of any line must have approval of the Legislative Transportation Committee (LTC).

Uses of the essential rail assistance account are expanded to include construction of transloading facilities to increase business on light density lines, to mitigate the impacts of abandonment, or to preserve service along viable light density lines. First class cities are made eligible for account funds and are authorized to operate transportation systems beyond their corporate limits in the county within which they are located. The loan period for money in the rail assistance account is extended from 10 to 15 years. State funding must be related to state benefits.

The Department of Revenue, in conjunction with the DOT, is directed to study and report to the LTC by December 1, 1991, on the feasibility of property tax credits for railroads to maintain or improve service on light density lines. The DOT is directed to evaluate the performance of the state freight rail program at the end of a six-year period and report to the LTC. An LTC study of issues associated with public and private acquisition of abandoned and rail-banked rail corridors must be completed by December 1, 1990.

High Occupancy Vehicle Lanes. The need for accelerated development of HOV lanes is recognized, and AA counties and A counties adjoining a class AA county (King, Pierce and Snohomish) are authorized to accelerate the development of that program. Counties are encouraged to adopt goals for reducing single-occupant vehicles during peak hours. Counties imposing taxes for HOV lane development are required to develop the programs in conjunction with transit agencies.

Two voter-approved tax sources are authorized in class AA counties and in class A counties adjoining class AA counties to accelerate development of the HOV system: an employer tax and a motor vehicle excise tax (MVET) surcharge. Counties are authorized to impose an employer tax of up to $2 per month per employee within the county. Credits may be granted to employers who adopt agreements to increase vehicle occupancy or provide at least one-half the cost of transit passes.

Class AA counties and class A counties adjoining a class AA county may impose a surcharge of up to 15 percent on the basic state MVET paid on vehicles within the county. This surcharge does not apply to trucks licensed for over 6,000 pounds.

Funds generated by the employer tax or the MVET surcharge must be used for HOV improvements and programs. These improvements include transit and carpool lanes and ramps, park-and-ride lots, transit centers, preemption signalization, intersection by-pass structures and ferry loading lanes. The program includes ridematch and developer ride-share programs. Funds are to be used for the following priorities: accelerating HOV lanes on the Interstate system and the state highway system, and HOV lane improvements on local arterials. Funds may be pledged for bonds until the year 2000.

Money may be used by transit agencies for commuter rail with voter approval. Counties may contract with the Department of Licensing for collection of the

MVET and with the Department of Revenue or other appropriate agencies for collection of the employer tax. Money collected is to be deposited into a newly-created high occupancy vehicle account to be distributed without appropriation.

High Capacity Transportation. A state policy regarding the development of high capacity transportation (HCT) and commuter rail systems is established and HCT is defined. The Legislature declares that local jurisdictions should coordinate and be responsible for HCT policy development, program planning, and implementation. The state's role is to assist those agencies on issues involving rights-of-way, to serve as a contractor for design and construction, to authorize local jurisdictions to finance HCT alternatives through voter-approved tax options, and to provide technical assistance and information. The Department of Transportation is to carry out those roles but may not operate HCT service. Local agencies are directed to cooperate in encouraging land uses compatible with HCT development and to improve local land use and transportation planning decisions.

A process is established for implementing HCT assistance in the state. For areas outside the central Puget Sound region, existing transit agencies are authorized to provide HCT service. Those agencies are directed to form a Regional Policy Committee with proportional representation based upon population distribution within the designated service area for a proposed system.

For the central Puget Sound region (King, Pierce, and Snohomish counties), public transportation agencies currently authorized to provide rail transit planning and operating services are directed to establish, through interlocal agreements, a Joint Regional Policy Committee with proportional representation. The membership of the committee is to consist of locally elected officials who serve on transit system boards and a representative from the Department of Transportation. Interlocal agreements establishing the committee are to be executed within two years. The Joint Regional Policy Committee is to prepare a regional HCT plan and financing program. Member transit agencies are directed to present the adopted plan and financing program for voter approval within four years of the execution of the interlocal agreements. A majority vote is required for approval of the HCT plan and financing program in any service district within each county.

If interlocal agreements are not executed within two years, or if voter approval has not been obtained within four years, the Metropolitan Planning Organization (MPO) of the area is to convene a conference within 180 days. This conference is to be attended by elected representatives selected by each city and county in class AA counties and in class A counties bordering a class AA county. The conference is to evaluate the need for developing HCT service in the region and to determine the desirability of a regional approach to such service. The conference may elect to create a multi-county Interim Regional High Capacity Transportation Authority, whose membership is to be determined by conference members. The Interim Regional High Capacity Transit Authority shall propose a permanent authority or authorities for voter approval. Expansion of regional HCT service boundaries is provided for by interlocal agreements among transit agencies.

State and local jurisdictions are encouraged to cooperate with respect to development of park-and-ride facilities and co-development of existing rights-of-way for HCT system development.

The DOT is given responsibility for the Rail Development Commission's activities upon the commission's dissolution on June 30, 1989, and assumes responsibility for administering the Rail Development Account, which is renamed the High Capacity Transportation Account. The department is to establish an advisory council to assist in the review of requests for HCT account funds. Account funds may provide up to 80 percent matching assistance for HCT planning efforts and for support of interim HCT authorities. Criteria for obtaining state funding are established, including conformance with designated MPO regional transportation plans, dedicated local funding, satisfaction of specific planning requirements, and establishment of regional policy committees with proportional representation.

A process for evaluating HCT alternatives is prescribed. The process is modeled after the alternatives analysis required by the Urban Mass Transportation Administration. The analysis includes evaluation of a range of transportation options to address transportation needs, including doing nothing, developing low capital and higher capital facilities, and requiring notification of property owners along corridors being evaluated. An independent project oversight review panel process is established. This multidisciplinary 10-member expert review panel will be made up of appointees by the governor, secretary of the DOT, and the chair of the LTC. Consultants to assist the panel are to be employed by the LTC. Review by a panel is required for any HCT project to utilize new tax sources authorized in this act or which will involve more than $500,000 of HCT account funds. Commuter rail projects funded with HOV funding sources

are subject to panel review. Project funding must be voter approved.

The DOT, in conjunction with local jurisdictions, is directed to identify transit rights-of-way, to rank those corridors for implementation priority, and to seek to identify intercity rail rights-of-way that may be used for commuter rail service corridors in the future.

Intercity Passenger Rail Service. The DOT is to coordinate, with local jurisdictions, a program for improving AMTRAK passenger rail service. The program may include determination of appropriate levels of AMTRAK passenger rail service, implementation of higher train speeds for AMTRAK service, recognition of the potential for higher speed intercity passenger rail service, and identification of existing intercity rail rights-of-way that may be used for public transportation corridors in the future. The DOT is encouraged to assist local jurisdictions in upgrading AMTRAK depots, to provide for multimodal use. The DOT is to pursue resumption of AMTRAK service from Seattle to Vancouver, British Columbia, and to study the potential for AMTRAK service along several other corridors in the state.

High Capacity Funding. Local option taxing authority is provided for planning, construction, and operation of HCT service for any transit agency located in King, Pierce, Snohomish, Thurston, Clark, and Spokane counties. These local tax options all require voter approval: 1) an employer tax not exceeding $2 per month (preempted by HOV employer tax), 2) a sales and use tax of up to 1 percent, and 3) a local option motor vehicle excise tax of up to 1 percent, (equal to 1 percent rate before MVET simplification contained in C 42 L 90; trucks over 6,000 pounds are exempt; combined MVET rate for HOV and HCT may not exceed .8 percent and adjoining counties must have a common local option MVET rate). Bond authority for capital programs funded by these taxes is provided.

Votes on Final Passage:

House	64	29	
Senate	36	12	(Senate amended)
House	66	27	(House concurred)

Effective: March 14, 1990

Partial Veto Summary: The veto removes the section amended by other legislation. (See VETO MESSAGE)

HB 1881

C 38 L 90

By Representatives Rayburn, Nealey and Doty

Modifying allowable compensation for irrigation district directors.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: State law instructs irrigation districts to pay their board directors per diem, in addition to reasonable expenses, for attending meetings and while performing other district services. The per diem may not exceed $40 and must be fixed by a resolution of the district.

Summary: The maximum per diem to be paid to irrigation district board directors is altered. It may not exceed $50 for each day or portion thereof spent attending meetings or performing other district services. The aggregate of the per diem paid to a director may not exceed $4,800 in a calendar year.

Votes on Final Passage:

House	87	0
Senate	47	0

Effective: June 7, 1990

HB 1890

C 126 L 90

By Representatives R. Fisher and Anderson

Changing provisions concerning redistricting.

House Committee on State Government
Senate Committee on Governmental Operations

Background: State law currently divides the state into 51 legislative (or representative) districts and 49 senatorial districts. Two senatorial districts, the 19th and the 39th, each contain two single-member representative districts. All other senatorial districts contain two-member representative districts.

Article II, Section 43 of the state's constitution requires the appointment of a Redistricting Commission to divide the state into congressional and legislative districts. It requires the state's Supreme Court to develop a redistricting plan if the commission should fail to do so in a timely manner. It also prohibits the commission, which will be activated for the first time in 1991, from providing a number of legislative districts that is different than the number established by the Legislature. A provision of the enabling law

enacted with that section of the constitution requires the commission's districting plan to establish representative districts uniformly so that if one senatorial district is divided in the formation of representative districts, all senatorial districts are so divided.

Summary: Any redistricting plan adopted by the Redistricting Commission or, should the commission fail to adopt a plan in a timely manner, by the Supreme Court must provide for 49 legislative districts. Two members of the House of Representatives and one member of the Senate must be elected from each district. The two members of the House must run at large within each district.

Votes on Final Passage:

House	62	26	
Senate	42	5	(Senate amended)
Senate	35	10	(Senate amended)
House	89	4	(House concurred)

Effective: June 7, 1990

HB 1957

C 78 L 90

By Representatives Zellinsky, S. Wilson, Haugen, Schmidt, Walk, Vekich, R. Meyers, Sayan, Spanel and Youngsman

Repealing excess funds transfer provisions for the Puget Sound ferry operations account.

House Committee on Transportation
Senate Committee on Transportation

Background: Any revenues for the Ferry System accruing to the Puget Sound Ferry Operations Account (PSFOA) that are not expended at the end of a biennium transfer to the Motor Vehicle Fund (MVF) and must be expended for state highway purposes. Since the Ferry System's operating budget is now subject to the appropriations process, actual expenditures cannot exceed appropriation authority.

Summary: Revenues accruing to the Puget Sound Ferry Operations Account (PSFOA) in excess of the appropriation authority at the end of each biennium will remain in the PSFOA and will not be transferred for state highway purposes.

Votes on Final Passage:

House	86	3
Senate	38	6

Effective: June 7, 1990

HB 2032

C 32 L 90

By Representatives Todd, Phillips, Ferguson, Rayburn, Raiter, Nelson, Baugher, Crane and McLean

Including senior citizen and community centers within the definition of recreational facilities for park and recreation districts.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Park and recreation districts are special districts authorized to provide a variety of park and recreation facilities and improvements. A park and recreation district is governed by an elected five–member board of commissioners.

Summary: Park and recreation districts are authorized expressly to provide community centers and senior citizen centers.

Votes on Final Passage:

House	98	0
Senate	47	0

Effective: June 7, 1990

2SHB 2077

C 280 L 90

By Committee on Appropriations (originally sponsored by Representatives Brooks, Dellwo, Ballard, Rust, Rector, Grant, Anderson, Wolfe, Miller, Winsley, D. Sommers, Ferguson, Crane and Jacobsen)

Establishing a network for the reporting of cancer cases.

House Committee on Health Care
House Committee on Appropriations
Senate Committee on Health & Long–Term Care

Background: The coordination of cancer–related data in Washington state is impeded by the fact that there is no statewide tumor registry system in the state. Most tumor surveillance activity is undertaken by either the Fred Hutchinson Cancer Research Center in Seattle or the Blue Mountain Oncology Program in Walla Walla. There are also 25 community hospitals that have limited programs.

Summary: The secretary of health is authorized to contract with a recognized, regional cancer research institution or tumor registry to establish a statewide cancer registry program. The Department of Health is to adopt rules as to which types of cancer are to be

reported. The Department of Health and its contractor are required to ensure that access to registry data complies with federal and state law concerning human subject review. No liability is created by providing registry information. Confidentiality requirements are established. The state Department of Health is required to promulgate rules implementing the cancer registry program.

Votes on Final Passage:

House	94	0	
Senate	46	0	(Senate amended)
House	94	0	(House concurred)

Effective: June 7, 1990

2SHB 2122

C 246 L 90

By Committee on Appropriations (originally sponsored by Representative Hargrove)

Making changes regarding dependency proceedings.

House Committee on Human Services
House Committee on Appropriations
Senate Committee on Law & Justice and Ways & Means

Background: A child removed from his or her home based on allegations of child abuse is placed in shelter care. A child may not remain in shelter care for more than 72 hours, unless the juvenile court enters an order for continued shelter care. The parent or guardian must be notified of the right to request a shelter care hearing and the court shall hold a hearing if one is requested. The court shall make reasonable efforts to notify the parent or guardian of the right to request a hearing.

All parties have the right to present evidence at the shelter care hearing. The court must release the child to his or her parent or guardian unless the court finds that reasonable efforts have been made to keep the child in the parent's home and that release to the parent or guardian would endanger the child.

If a dependency petition has been filed with the juvenile court, the juvenile court clerk must issue a summons to the child and the child's parent or guardian. The summons must advise the parties of the right to counsel. The summons must be personally served at least five days prior to the fact-finding hearing if the party is within the state. If the party cannot be personally served, the summons may be served by mailing to the last known address at least 10 days prior to the date of the hearing. If the parent or guardian is not a resident of the state, and the person's location is unknown, notice shall be given by publishing a notice of the proceeding in a legal newspaper in the county in which the proceeding is held.

A parent or guardian unable to pay for counsel has the right to have counsel appointed at all stages of a dependency proceeding.

If the court finds a child to be dependent and orders out-of-home placement, the agency responsible for the child must provide the court with a specific plan for the child's placement, the steps to be taken to return the child to his or her home, and actions to maintain the parent-child relationship. The agency shall encourage the maximum parent-child contact possible.

The juvenile court may change, modify, or set aside an order in a dependency proceeding at any time.

A petition for the termination of the parent-child relationship must conform to the requirements of a dependency petition, including a notice of the right to counsel.

Each juvenile justice and care agency is required to maintain accurate records. Except under limited circumstances agencies are required to allow a child and his or her parent or guardian access to records concerning the child.

Summary: A shelter care hearing is required within 72 hours after a child is placed in shelter care, unless the parent or guardian waive the hearing. A shelter care hearing may only be waived on the record after the court determines that the waiver is knowing and voluntary.

The Child Protective Services division of the Department of Social and Health Services shall make reasonable efforts to notify a parent or guardian that his or her child has been placed into shelter care, including the reasons for taking the child into custody and the person's legal rights. The notice must be given within 24 hours after the child has been taken into custody or child protective services has been notified that the child is in shelter care. The initial notification may be in writing or orally, but must be provided in writing. The requirements of the notification are set forth. If child protective services is not required to give the notice, the juvenile court shall make reasonable efforts to notify the parent of the hearing. Reasonable efforts include an investigation to determine the location of the parent or guardian.

At the shelter care hearing, the court shall hear evidence on the notice given to and efforts to notify the parent and guardian as well as on the need of shelter care. The court must make an express finding as to whether required notice was given. Hearsay evidence concerning the issue of shelter care shall be supported by sworn testimony, affidavit, or declaration.

If a parent has not been given actual notice of a shelter care hearing, the court shall order the supervising agency to undertake efforts to locate and notify the parent of the date and location of subsequent hearings. A parent or guardian may request a shelter care hearing to be rescheduled.

The summons in a dependency proceeding shall inform the child's parent or guardian of the right to have appointed counsel if the parent or guardian is indigent. The summons shall also state how the parent or guardian can obtain appointed counsel.

The summons in a dependency proceeding must be served on a party who resides in the state at least 15 days prior to the fact–finding hearing. If the party cannot be personally served, the mailed summons shall be sent as soon as practicable, but at least 15 days prior to the hearing. If the parent or guardian is believed to be a resident of another state or another county than the one in which the dependency hearing will be held and the parent's or guardian's location is unknown, the notice of the proceeding shall be published in a legal newspaper in the county in this state or another state where the parent or guardian is believed to reside.

The Department of Social and Health Services shall provide copies of all documents relating to a child in a dependency proceeding to the parent or guardian of the child within 20 days after the department receives a written request for the records. The records shall be provided at no expense to the parent or guardian.

If the juvenile court, after a dependency fact–finding hearing, orders a child to be removed from the parent's or guardian's home, the court may limit or deny visitation by the parent or guardian only if the court determines that the restrictions are necessary for the child's health or welfare.

The court may modify an order in a dependency proceeding only upon a showing of a change in circumstances.

If a petition for the termination of parental rights is filed with the juvenile court, the notice to the parent must include a statement of the parent's rights, including the right to a hearing, the right to counsel, and the right to present evidence.

A juvenile justice and care agency shall correct or expunge from its records any information in records maintained by that agency that has been found by a court in a dependency proceeding to be false or inaccurate. An agency may delete from the records it provides to a child or the child's parent or guardian the identity of any person or organization that has reported suspected child abuse or neglect.

Votes on Final Passage:

House	94	0	
Senate	49	0	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	48	1	
House	93	0	

Effective: June 7, 1990

SHB 2198

C 2 L 90

By Committee on Energy & Utilities (originally sponsored by Representatives Nelson, Hankins, Cooper, Miller, May, Jacobsen, Brooks, Todd and H. Myers)

Pertaining to energy efficiency and conservation.

House Committee on Energy & Utilities
House Committee on Revenue
Senate Committee on Energy & Utilities and Ways & Means

Background: The Legislature adopted guidelines for a revised energy code in 1985 and directed the state building code council to adopt an energy code. The guidelines set standards for insulation of ceilings, walls, and floors over unheated spaces, and guidelines for windows and window areas. The guidelines set different standards for electrically heated housing and housing heated with other fuel sources. They also provide different standards for two climate zones. The climate zones are differentiated by heating degree days. The state building code council is directed to allow flexibility in building design through trade–offs between various elements of a building's structure, so long as the overall whole house energy performance is equivalent to the performance provided for in the guidelines.

The energy code adopted by the state building code council preempts local energy codes and must be enforced by all municipal and county governments. However, exceptions to preemption are provided if, prior to January 15, 1988, a local government adopted an energy code requiring energy efficiency greater than the state code, that code is not preempted. A local government may determine that the state–energy code is not cost–effective in that jurisdiction and adopt a less stringent energy code. A local government may also enforce a more stringent energy code if the builder or owner of new residential construction is reimbursed by a federal agency for the additional costs to the consumer of the more stringent code. The state

preemption of local energy codes expired January 1, 1990.

The Northwest Power Planning Council, pursuant to its federal charter, has adopted Model Conservation Standards (MCS). The MCS are designed to provide a cost-effective means for improving energy efficiency. In the electric utility service areas in which the Bonneville Power Administration (BPA) sells power, BPA is required to assure that the MCS are being enforced. If the MCS are not being enforced, or the utility is not moving toward implementation of the MCS, BPA is required to impose a rate surcharge on the power it sells to that utility. BPA has funds that it will make available to utilities to assist in paying some of the costs of building to the MCS.

BPA has issued an Environmental Impact Statement (EIS) governing indoor air quality in homes that are built to the Model Conservation Standards. BPA has issued a record of decision on its EIS adopting four different methods of achieving the indoor air quality standards necessary for its new homes programs. BPA will only make funds available to builders who build to the MCS if the builder complies with the record of decision.

The Utilities and Transportation Commission is directed to encourage electric and gas companies to develop measures and to invest in resources that increase energy efficiency or that use renewable resources. One measure which the commission must authorize is an additional 2 percent on the rate of return for investments in energy efficiency, cogeneration, or renewable resources. The incentives are available only for investments made prior to January 1, 1990.

Gas and electric utilities, both public and private, are required to pay a tax on their income. A deduction from income is allowed for investments in cogeneration or energy produced from renewable resources. The deduction is available only for investments made prior to January 1, 1990.

The state building code council has authority to amend the uniform building codes adopted by the Legislature. The amendments must be adopted by rule no later than December 1 and may not take effect until after the end of the next regular legislative session.

The 1985 Legislature directed the State Energy Office to contract with the University of Washington for a study of the cost-effectiveness of the 1985 energy code. The study was originally due in 1988. In 1988, the Legislature extended the report date to 1989 and required a review of the University of Washington study by a peer review panel.

Summary: Each city, town, and county shall enforce the state energy code no later than July 1, 1991. If prior to March 1, 1990, a city, town, or county has adopted a local energy code for residential buildings that exceeds the energy efficiency requirements of the state energy code, the city, town, or county may continue to enforce its local energy code, but may not further amend its energy code. The state energy code for residential buildings is the minimum and maximum energy code. The state energy code for non-residential buildings is the minimum energy code.

The state energy code must be adopted by the state building code council not later than January 1, 1991. The state energy code shall recognize two climate zones. The guidelines for the energy efficiency of construction components in residential buildings are modified. Different guidelines for electric resistance and other space-heating systems are provided. Guidelines for below grade walls and slab on grade floors are specifically included. A guideline is established for exterior doors in electric resistance heated homes. The state building code council shall also adopt a code for log homes and provide for pilot projects using innovative technology.

The minimum state energy code for non-residential construction is the June 1986, edition of the state energy code.

The building code council is directed to consult with the state energy office in developing the state energy code.

Beginning July 1, 1991, electric utilities are directed to make payments to builders of newly constructed residential buildings with electric resistance space heat. Payments are required for buildings constructed between July 1, 1991, and July 1, 1995. The payments must be at least $900 in single family houses and $390 per unit in a multifamily residence. Payments are not required for any single family residence with more than 2000 square feet of finished floor area. A utility in a jurisdiction that has a local energy code, which is not preempted by the state energy code must make payments beginning with the effective date of this act. Utilities may provide incentives in addition to the payments and may provide incentives for additional energy efficiency measures. The Utilities and Transportation Commission (UTC) shall allow regulated electric utilities to recover expenses incurred in making the payments.

If a federal agency, from which an electric utility purchases at least 1 percent of its firm energy load, fails to make available at least 50 percent of the funds necessary to make the payments, the amendments to

the energy code and the requirement to make payments are null and void. This provision expires June 30, 1995.

The energy code training account is established. The state energy office will administer the account to provide training to local energy code enforcement officials. The state energy office shall impose an assessment on each investor owned and publicly owned gas and electric utility in proportion to the number of housing starts served by that utility in 1989. The assessment is $150 per energy code official within the service area of the utility. Assessments may be made between January 1, 1991, and July 1, 1991.

An investor owned electric utility may obtain an additional 2 percent rate of return on builder payments and on expenditures for programs that improve energy efficiency if priority in those programs is given to low-income individuals and senior citizens. The UTC may allow an additional rate of return on other investments to improve energy efficiency and may adopt other policies to protect a utility from short-term earnings reductions resulting from energy efficiency programs. The commission may also allow utilities required to make payments for code enforcement to recover those expenses.

For purposes of calculating the utility tax, the public and investor owned utilities may deduct from gross income the amount spent on builder payments and the amount spent on programs to improve energy efficiency if those programs give priority to senior citizens and low-income individuals. Utilities required to make payments for code enforcement may deduct 50 percent of the amount of those payments from the utility tax owed.

The building code council is directed to develop by January 1, 1991, interim requirements for the maintenance of indoor air quality in newly constructed residential buildings. The interim requirements will be in effect from July 1, 1991, to July 1, 1993. The interim requirements shall provide for the ventilation of the bathroom and kitchen and the supply of outside air to each bedroom and the main living area. By January 1, 1993, the state building code council must adopt final requirements for the maintenance of indoor air quality in newly constructed residential buildings. The final requirements will take effect July 1, 1993. The final requirements must comply with the Bonneville Power Administration record of decision for the environmental impact statement on energy efficient new homes programs.

Both the interim and final ventilation standards shall take into account different heating sources. The final ventilation standards shall permit multifamily housing to meet the standards by the installation of fans with a total capacity of 200 cubic feet per minute.

The builder of and the design professional for a residential structure who in good faith and without negligence or misconduct complies with the state energy code and the ventilation standards adopted by the building code council has a defense against a lawsuit claiming injury from indoor air pollution.

Beginning in 1996, the state building code council shall review the state energy code for residential buildings every three years. If the council determines that the state energy code should be changed to require increased energy efficiency, it shall adopt rules modifying the energy code. The rules must be adopted by December 1 and may not take effect until the end of the next regular legislative session.

The requirement for a study of the cost-effectiveness of the 1985 energy code is repealed.

The provisions amending the energy code, requiring payments, and providing energy efficiency incentives are declared to be an emergency and take effect March 1, 1990. Provisions repealing sections of the energy code to be replaced by the state building code council's code take effect January 1, 1991. The provision creating a defense for builders who comply with the ventilation standards takes effect July 1, 1991.

Votes on Final Passage:

House	87	5	
Senate	43	3	(Senate amended)
House	91	3	(House concurred)

Effective: March 1, 1990 (Sections 1 – 4, 6, 7, 9, and 10)
January 1, 1991 (Sections 11 and 12)
July 1, 1991 (Section 8)

SHB 2230

C 11 L 90 E1

By Committee on Appropriations (originally sponsored by Representative Locke)

Establishing standards for benefit plans for school district employees.

House Committee on Appropriations

Background: The 1988 Health Care Reform Act directed the Washington state Health Care Authority to conduct a study of school employees' health benefits. The study, submitted to the Legislature in December 1989, made several recommendations concerning pooling of state benefit allocations among employees, limiting funding to basic benefits, and requiring school districts to report demographic data

on employees and dependents covered by school district benefit plans.

In the 1989–90 school year, state allocated money to school districts for school employee benefits is based on an average premium rate of $239.86 per employee per month.

In school districts that do not pool benefit allocations, individual employees may choose benefit options. The cost of basic benefits for some employers does not exhaust their state-funded benefit amount. Employees without dependents or employees with other benefit coverage may be able to choose special benefit options or to set money aside in a Voluntary Employee Beneficiary Association account. Employees who need health insurance for dependents, however, may have to use payroll deductions to cover costs of even basic family coverage. These payroll deductions for employees with families have risen quickly in recent years, due to rapid inflation in health care costs.

Summary: After October 1, 1990, school districts generally may provide benefit contributions for "basic benefits" only, except to the extent the district is obligated to continue payments under a current contract with a benefit provider.

"Basic benefits" are limited to medical, dental, vision, group term life, and group long-term disability insurance, and are determined through local bargaining.

Under specific conditions, school districts may provide employer contributions for optional benefit plans for employees included in a pooling arrangement. The pooling arrangement must cover at least one bargaining unit and/or all nonbargaining group employees. Contributions to the optional benefit plan are authorized only if all full-time employees included in the pooling arrangement are offered basic benefits, including coverage for dependents, without a payroll deduction for premium charges. Any money remaining after basic benefits are funded must be divided equally among employees. Part-time employees may be included, under the same eligibility criteria and/or proration of benefit contributions that apply for basic benefits.

School districts may not provide employer contributions for employee beneficiary accounts that can be liquidated by the employee on termination of employment.

School districts' contracts for employee fringe benefits may not exceed one year.

School districts must annually submit summary plan descriptions and data on plan subscribers to the Washington state Health Care Authority. The data is to include the total number of employees and, for each employee, types of coverage or benefits received, numbers of covered dependents, the number of eligible dependents, the amount of the district's contribution, additional premium costs paid by the employee through payroll deductions, and the age and sex of the employee and each dependent. Benefit providers must make available to school districts the benefit plan descriptions and, where available, the demographic data.

The Health Care Authority, in consultation with the state insurance commissioner and a three-member advisory committee, is to develop recommendations on school employee benefit plans. The recommendations are to be considered by the Legislature for implementation in the 1991–93 biennium. The advisory committee includes a representative of health maintenance organizations, a representative of health care service providers, and a representative of commercial carriers. Preliminary recommendations, including a proposed set of guidelines for school employee benefit plans, must be submitted by December 15, 1990. A final report, including analysis of demographic data on plan subscribers, is due February 15, 1991. The recommendations and guidelines are to address pooling of benefit allocations, priority for basic benefits, cost-containment provisions, benefit allocations for part-time employees, financial practices of benefit providers, and coverage of retired school employees.

Votes on Final Passage:

First Special Session		
House	88	8
Senate	30	15

Effective: April 13, 1990

HB 2253

C 149 L 90

By Representatives Spanel, Jacobsen, Wineberry, Wang, Prentice, Vekich, Braddock and Brekke

Repealing exemption from the state minimum wage for students at institutions of higher education.

House Committee on Commerce & Labor
House Committee on Appropriations
Senate Committee on Economic Development & Labor

Background: The Washington Minimum Wage Act, as amended by Initiative 518 in 1989, establishes state minimum wages for adults and youths. College or university students who are employed by the institution of higher education at which they are enrolled are exempt from these provisions.

Summary: The state minimum wage provision exempting students employed by the colleges or universities in which they are enrolled is repealed.

Votes on Final Passage:
House 97 0
Senate 47 0

Effective: June 7, 1990

HB 2260
C 104 L 90

By Representatives Ferguson, Haugen and Wood

Changing provisions relating to the Municipal Research Council.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: The Municipal Research Council is an 18 member state agency composed of four Senators (two from each of the major parties), four Representatives (two from each of the major parties), one person appointed by the governor, and nine persons appointed by the board of directors of the Association of Washington Cities.

Legislative appropriations to the Municipal Research Council are made from a portion of the state motor vehicle excise tax receipts that are distributed to cities and towns. At least 7 cents per capita of the population of all cities and towns is required to be transmitted to the Municipal Research Council.

Although the Municipal Research Council does not have any specified duties, the moneys provided to the Municipal Research Council from the state motor vehicle excise tax receipts must be used to contract with any state agency, educational institution, or private consulting firm, to provide a municipal research and service program.

Each biennium since 1970, the Municipal Research Council has contracted with the Municipal Research and Services Center, a private non–profit corporation, to provide this municipal research and service program.

Summary: The Municipal Research Council is given the responsibility to contract for the provision of municipal research and services for cities and towns, which includes: studying municipal government; acquiring, preparing and distributing publications; providing educational conferences; and furnishing legal, technical, consultive, and field services to cities and towns. The Municipal Research Council may contract for administrative services.

It is clarified that moneys appropriated to the Municipal Research Council are deducted from state motor vehicle excise tax receipts that otherwise would be distributed to cities and towns.

The requirement is deleted that a certificate of appointment for each member of the council be filed with the Association of Washington Cities within 10 days of the appointment.

Votes on Final Passage:
House 95 0
Senate 45 0

Effective: June 7, 1990

HB 2262
C 41 L 90

By Representative Walker

Compensating bailee's for services rendered for unclaimed property.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: A "bailee" is a person to whom personal property has been entrusted for some purpose. For example, a dry cleaning business is a bailee with respect to clothing left with it. Sometimes the owner of property fails to reclaim it.

Unclaimed personal property in the hands of a bailee may be sold or donated to charity, unless the parties have agreed otherwise. If the property has remained unclaimed for 30 days, the bailee must notify the owner that the property may be sold or donated to charity. If the property remains unclaimed 60 days after notice is given or attempted, and it has an aggregate value of less than $100, then the bailee must donate the property, or the proceeds from the sale of the property, to a charity that is exempt from federal income tax under the federal internal revenue code. If the property has an aggregate value of $100 or more, the property must be disposed of by the police or sheriff.

No provision is made in the statute for reimbursement of the bailee's costs in disposing of the unclaimed property.

Summary: A bailee must be reimbursed from the proceeds of sale of unclaimed property for the reasonable costs or charges for goods or services the bailee provided regarding the property, and for the cost of providing notice to the owner of the property.

Votes on Final Passage:
House 98 0
Senate 44 0

Effective: June 7, 1990

HB 2265

C 77 L 90

By Representatives Holland, Peery, Horn, Jones, Brumsickle, Rayburn, Schoon, Phillips, Rasmussen, Dorn, Walker, G. Fisher, Valle, P. King, K. Wilson, Wolfe, Wineberry, Ferguson, Padden, Leonard, Todd, Van Luven, Nealey, Doty, Dellwo, McLean, Bowman, Morris, Smith, Tate, Hine, Youngsman, Forner, Kremen, Cooper, Betrozoff, Pruitt, Basich and Miller

Expanding the excellence in education program to include classified staff.

House Committee on Education
Senate Committee on Education

Background: In 1986, the Legislature created the Educational Excellence Awards Program to recognize teachers, administrators, principals, superintendents, and school boards. The award recognizes the leadership, contributions, and commitment of these individuals to education. Classified employees are not eligible to receive the Educational Excellence Award.

Summary: Three classified employees from each congressional district of the state will be eligible to receive the Educational Excellence Award. Recipients will receive a certificate presented by the governor and the superintendent of public instruction.

Votes on Final Passage:
House 97 0
Senate 45 0

Effective: June 7, 1990

HB 2272

C 169 L 90

By Representatives Leonard, Padden, Todd, Winsley, Anderson, Nutley, Ballard, Rector, May, Inslee, Wolfe, Prentice, D. Sommers, Crane and Wood

Changing provisions relating to mobile home landlords.

House Committee on Housing
Senate Committee on Economic Development & Labor

Background: Landlords of mobile home parks may not offer a mobile home lot for rent to anyone without offering a written rental agreement for a term of at least one year. The written rental agreement must contain certain information specified in statute, but there is no requirement for the tenant to furnish the name and address of any party who has a secured interest in the mobile home. A party with a security interest in the mobile home is generally the lending institution that helped finance the purchase of the mobile home. There is also no requirement for the tenant to provide a forwarding address or the name and address of a person likely to know the whereabouts of the tenant in the case of an emergency or an abandonment of the mobile home.

Under the Mobile Home Landlord–Tenant Act, a party with a secured interest in a mobile home is liable to the landlord for rent for occupancy of the mobile home space after the secured party has taken possession of the mobile home pursuant to the Uniform Commercial Code. A secured party, however, may have the right to take possession of the mobile home weeks or months before actually taking possession. There is no requirement for commencing a secured party's liability to the landlord for rent at the time the secured party is entitled to possession of the mobile home under the Uniform Commercial Code.

A landlord is entitled to a statutory lien for rent against any personal property of the tenant that was kept at the rented premises by the tenant. The statutory lien is for up to two months' rent, but the lien expires unless the landlord enforces the lien within two months of a default in payment of rent by the tenant.

Summary: The written rental agreement between a landlord and a tenant of a mobile home park must contain the name and address of any party who has a secured interest in the mobile home, and a forwarding address of the tenant or the name and address of someone likely to know the whereabouts of the tenant in the event of an emergency or an abandonment of the mobile home.

A person with a security interest in a mobile home, who has a right to possession of the mobile home under the Uniform Commercial Code, is liable to the landlord for rent and other reasonable expenses from the date the secured party receives notice of the tenant's default from the landlord. The notice must be in writing and must be sent by certified mail, return receipt requested. "Reasonable expenses" are defined as any routine maintenance and utility charges for which the tenant is liable under the rental agreement. The secured party is liable only for those expenses that are incurred after the receipt of the written notice.

Any rent or other reasonable expenses owed by the secured party must be paid to the landlord before the mobile home may be removed from the mobile home park.

The relationship between a landlord and a secured party who is liable to the landlord for rent and reasonable expenses is governed by the rental agreement previously signed by the tenant of the mobile home unless otherwise agreed. The secured party and the landlord are not required to execute a new rental agreement. The rental agreement, however, converts to a month-to-month tenancy that either party may terminate upon giving 30 days written notice. No waiver is required to convert the rental agreement to a month-to-month tenancy. Nothing that governs the relationship between the landlord and the secured party acts as a waiver of any rights of the tenant.

For tenants who rent a mobile home lot in a mobile home park, the amount of the landlord's lien for rent is increased from up to two months' to up to four months' rent and the duration of the landlord's lien for rent is increased from two months to four months.

Votes on Final Passage:

House	97	0	
Senate	46	0	(Senate amended)
House	94	0	(House concurred)

Effective: June 7, 1990

HB 2276

C 33 L 90

By Representatives Peery, Betrozoff, G. Fisher, Brumsickle, Jones, Holland, Phillips, Horn, McLean, Spanel, P. King and Crane

Reorganizing Title 28A RCW.

House Committee on Education
Senate Committee on Education

Background: In 1969, following an 18 month review, the entire education code of the state of Washington was restructured and recodified into Titles 28A, 28B, and 28C RCW. At that time all statutes relating to education in kindergarten through twelfth grade were placed in Title 28A RCW. Since the recodification in 1969, hundreds of sections on a variety of topics have been added, somewhat randomly, to Title 28A RCW. In recent years it has become increasingly difficult to locate sections on particular topics or related sections that were passed at different times.

Summary: A significant reorganization of Title 28A RCW is accomplished. The reorganization is technical in nature and does not change policy.

Title 28A RCW is reorganized into seven parts: 1) Education Programs, 2) Organization, 3) Employees, 4) Finance, 5) Students, Parents and Community, 6) Awards and Special Projects, and 7) Miscellaneous. The seven parts are further divided into a total of 57 chapters according to subject matter. All existing provisions of Title 28A RCW are renumbered and placed within the newly organized Title. Cross references to sections of Title 28A RCW are amended to reflect the new numbering system.

All terms are made gender neutral. Where there has been confusion in the use of terms, one consistent term has been selected. For example, the term "chair" is now used consistently to identify the person in charge of a committee. Similarly, the term "police officer" is now used consistently to refer to a member of law enforcement.

Five sections of law have been decodified. These sections are: RCW 28A.04.167, 170, 172 and 174, relating to reports, studies, and recommendations that have been completed and RCW 28A.70.900 relating to a window of opportunity for certification that has expired. These provisions will remain part of the code for historical purposes but will not be reprinted in the code.

Votes on Final Passage:

House	97	0
Senate	45	0

Effective: June 7, 1990

HB 2288

C 129 L 90

By Representatives H. Sommers, Wood, Rasmussen, Schoon and R. King; by request of Department of Community Development

Regarding appropriations for public works projects.

House Committee on Capital Facilities & Financing
Senate Committee on Ways & Means

Background: The Public Works Board, within the Department of Community Development, may make low-interest or interest-free loans to assist local governments in financing public works projects. Eligible public works include roads, bridges, water systems, and storm and sanitary sewage systems. The statute establishes eligibility criteria for local governments and priorities for projects. Each year, the board submits a list of projects to the Legislature for approval

and appropriation. The Legislature may delete a project from the list but may not add any projects or change the order of the project priorities.

Summary: Fifty-four public works projects totaling $34,068,230 are recommended by the public works board for fiscal year 1990. The appropriation for these projects was included in the 1989-91 biennial capital budget.

Votes on Final Passage:

House	85	0
Senate	41	0

Effective: March 21, 1990

HB 2289

C 71 L 90

By Representatives Sayan, R. King, Bowman, Haugen, Morris, Brumsickle, Brooks, Spanel, Basich, Smith, Jacobsen, Wineberry, Anderson, Wang, Vekich, Dellwo and P. King; by request of Department of Fisheries

Increasing the reimbursements for Washington conservation corps members.

House Committee on Trade & Economic Development
Senate Committee on Economic Development & Labor

Background: The Washington Conservation Corps was established in 1983 to provide a meaningful work experience to young people and to further the values of resource conservation and environmental appreciation. The program involves these state agencies: Natural Resources, Wildlife, Fisheries, Parks and Recreation, Ecology, Agriculture, and Employment Security.

Corps enrollees must be between the ages of 18 and 25 at the time of enrollment. They may participate for six months with the possibility of an extension of six months. Participants are reimbursed at the rate of the federal minimum wage. Under current law, no reference is made to the participation of people with developmental disabilities in the corps.

Administrative and support costs for this program may not exceed 30 percent of the appropriated funds available for this program for a biennium or in the alternative, result in the average cost per enrollee exceeding $7,000.

The federal minimum wage is currently $3.35 per hour as it was when the program was established. As of April 1, 1990, the federal minimum wage will increase to $3.85 per hour and on April 1, 1991, will increase again to $4.25 per hour. The state minimum wage reached $4.25 per hour on January 1, 1990. Agencies that employ persons with developmental disabilities are allowed to apply for a waiver from the U.S. Department of Labor, that would authorize payment below minimum wage for enrollees with developmental disabilities who have low productivity.

Summary: The statutory limit of $7,000 average cost per enrollee in the Washington Conservation Corps is replaced by a new spending limit arrived at by a formula. The new limit is set by multiplying the federal or state minimum wage, whichever is higher, by 2,080.

State agencies that are participating in the Washington Conservation Corps program are urged to consider people with developmental disabilities for enrollment in the program.

Votes on Final Passage:

House	92	0
Senate	44	1

Effective: June 7, 1990

HB 2290

C 63 L 90

By Representatives Haugen, R. King, Bowman, Sayan, Basich, Brumsickle, Brooks, Morris, Spanel, S. Wilson, R. Meyers and Cole; by request of Department of Fisheries

Regarding establishment of emerging commercial fisheries.

House Committee on Fisheries & Wildlife
Senate Committee on Environment & Natural Resources

Background: The Department of Fisheries is directed to preserve, protect, perpetuate and manage the food fish and shellfish of this state and to promote orderly fisheries.

New commercial fisheries emerge as consumer markets are developed for new species of food fish. In managing a new fishery to preserve and protect the resource, the department must gather information. Licensing and permitting of commercial fisheries is one method for gathering information (for example, the number of fishers involved in a fishery and the amount of resource being harvested). This information becomes the basis for developing regulations necessary to preserve the resource and promote an orderly fishery.

Another management tool used by the department is the license limitation program that limits the number of licenses available for a particular fishery. This tool is used when the resource is in danger of being over harvested. The fisheries currently subject to license limitation are salmon, herring, Puget Sound whiting, sea urchins, and Puget Sound crab.

If a fisher violates provisions of the fishery code, a court may forfeit the fisher's license upon conviction. Additionally, if a fisher is convicted twice in five years of violating provisions for salmon fishing that restrict fishing times or areas, the director of the Department of Fisheries may suspend all of the fisher's salmon fishing licenses for one year. For purposes of suspension by the director, conviction is broadly defined as forfeiting bail, pleading guilty, or being found guilty in a legal proceeding.

Summary: The director of the Department of Fisheries may designate an emerging commercial fishery through the rule-making process. Along with the species designation, the rule must include the number and qualification of the participating fishers. In setting the maximum number of permits, consideration must be given to preventing damage to habitat, ensuring conservation of the resource, and preventing over harvesting.

An emerging commercial fishery is defined as any commercial fishery that is not currently subject to a license limitation program. In designating an emerging commercial fishery, the director may provide for the issuance of experimental fishery permits. If a permitted vessel becomes disabled, the vessel owner may be authorized to temporarily transfer the permit to a leased or rented vessel.

Within five years of the initial designation, the director shall evaluate the fishery and if appropriate, recommend that a separate commercial license program be established that may include limiting the number of licenses issued. The director must appoint a five member advisory board to assist in developing rules that limit participation in an emerging commercial fishery.

The legislative standing committees for fisheries issues will receive notice of proposed rules designating an emerging commercial fishery 30 days prior to the rule's effective date.

A conviction for violation of permit conditions or other provisions of statute or regulations while engaged in the emerging fishery may result in the director suspending, revoking or conditioning the permit and all associated fishing privileges. For purposes of revoking or conditioning a permit, the term conviction includes bail forfeitures of more than $250.

If a suspension or revocation of an emerging fishery permit or other commercial license is appealed, the suspension or revocation will be effective while the appeal is pending.

Votes on Final Passage:

House	97	0	
Senate	45	0	(Senate amended)
House	94	0	(House concurred)

Effective: June 7, 1990

HB 2291

C 61 L 90

By Representatives Spanel, Bowman, R. King, Haugen, Brumsickle, Sayan, Basich, Brooks, Morris, S. Wilson and Vekich; by request of Department of Fisheries

Regarding sea cucumber commercial fishing.

House Committee on Fisheries & Wildlife
Senate Committee on Environment & Natural Resources

Background: Sea cucumbers are being harvested in record numbers in Washington state waters. Though this shellfish product has been in demand since ancient times in China, an increasing domestic market has developed for sea cucumbers in the United States and Canada. The dried body wall and muscle of the spiny cucumber are used primarily by cooks in Asian restaurants.

Washington has seen a dramatic increase the last two years in the harvest of sea cucumbers and the number of boats that participate in the fishery. Twenty-five boats participated in 1987, and 125 boats participated in 1989. For most of the 1980s, the average harvest was around 275,000 pounds. In 1988, the harvest was 1.9 million pounds. The price per bucket to the fisher has increased from $13 in 1987 to $30 in 1989.

The Department of Fisheries began limiting harvest in 1987 by establishing a rotation harvest by area, and limiting each area to harvest once every four years. The harvest season was limited to six months, beginning May 1 and ending October 31.

As harvest pressure builds on a particular fishery, a management tool used by the Department of Fisheries to reduce this pressure is the license limitation program. A license limitation program attempts to fix the number of available licenses in order to reduce and ultimately maintain a manageably sized harvest fleet. The state has established license limitation programs

for salmon, herring, Puget Sound whiting, sea urchins, and Puget Sound crab.

Commercial fishing licenses are transferable from owner to owner unless they are designated non-transferable by statute. Of the current license limitation programs, only the sea urchin program and the Puget Sound whiting program issue a non-transferable endorsement or license.

A fisher participating in the sea cucumber fishery must have a shellfish diver license ($50 annually) and a special sea cucumber permit (free) issued by the department. The shellfish diver license allows a vessel to use divers as the method of harvesting sea cucumbers. Fishers must also keep harvest logs that identify the area of harvest.

As part of the license limitation programs, advisory review boards may be established to review the department's decisions. Membership on the boards comes from the fishery affected by the decision.

Summary: A new limited entry fishery is established for sea cucumbers. The goal for maximum participation in the fishery is 50 vessels.

After April 30, 1990, only those fishers who have met the following criteria may commercially harvest sea cucumbers: 1) owned a vessel holding a shellfish diver license and a sea cucumber harvest permit during the calendar year 1989, 2) did not transfer the license to another vessel, 3) made at least 30 landings between January 1, 1988 and December 31, 1989, and 4) obtains a sea cucumber endorsement from the Department of Fisheries.

Vessel owners who renew their sea cucumber endorsements after December 31, 1991, must have met the initial criteria for the endorsement and must have made 30 landings totalling a minimum of 10,000 pounds during the previous two calendar years.

Some flexibility for the strict adherence to the eligibility criteria is allowed through the director's ability to reduce or waive landing or poundage requirements upon recommendation of a fishery advisory review board. The board may review individual cases for extenuating circumstances. The director is required to define "extenuating circumstances" by rule.

Endorsements are not transferable from one owner to another except from parent to child and spouse to spouse, or upon the death of the owner.

If the fleet falls below 50 vessels, the director of the Department of Fisheries may issue endorsements by random selection to applicants who can demonstrate that they have two years' experience in the Washington sea cucumber diver fishery.

Votes on Final Passage:

House	91	1
Senate	40	4

Effective: March 15, 1990

HB 2292

C 34 L 90

By Representatives R. King, Bowman, Sayan, Brumsickle, Basich, Brooks, Spanel, Smith, Morris, Day, Jones, Youngsman, Cole, P. King, Wood and Kremen; by request of Department of Fisheries

Authorizing family fishing days.

House Committee on Fisheries & Wildlife
Senate Committee on Environment & Natural Resources

Background: The 1987 Legislature allowed the Wildlife Commission to designate family fishing days in which fishing licenses for game fish would not be required. As a result, the Department of Wildlife participates in "National Fishing Week" by hosting a free family fishing weekend. "National Fishing Week" is sponsored by the U.S. Fish and Wildlife Service and the Sport Fishing Institute of America.

The family fishing days do not apply to food fish and shellfish, which are managed by the Department of Fisheries.

Summary: The director of the Department of Fisheries may designate family fishing days. On these days a recreational fishing license is not required to fish for food fish or shellfish.

Votes on Final Passage:

House	96	0
Senate	46	0

Effective: June 7, 1990

SHB 2293

C 35 L 90

By Committee on Fisheries & Wildlife (originally sponsored by Representatives R. King, Bowman, Sayan, Morris, Brumsickle, Basich, Brooks, Spanel, Smith, Day, Leonard, D. Sommers, Youngsman, Cole, P. King and Wood; by request of Department of Fisheries)

Authorizing the department of fisheries to issue group fishing permits to state-licensed or state-operated care facilities.

House Committee on Fisheries & Wildlife
Senate Committee on Environment & Natural Resources

Background: Western State Hospital and other facilities that care for the aged, handicapped, and mentally ill have requested that the Department of Fisheries issue a group fishing permit to permit the patients of the facility to fish for food fish in supervised groups without individual licenses. The Department of Wildlife has authority to issue a group license to these facilities for game fish. The Department of Fisheries does not have this authority.

Summary: Physically or mentally handicapped persons, hospital patients, mentally ill persons, and senior citizens who are under the care of a state-operated or licensed care facility may fish for food fish and shellfish without individual licenses under certain conditions. The fishing may only be occasional, and must be done as part of a supervised group. The care facility will hold the permit issued by the director of the Department of Fisheries.

Votes on Final Passage:

House	96	0
Senate	46	0

Effective: March 13, 1990

HB 2294

C 36 L 90

By Representatives R. King, Bowman, Haugen, Morris, Brumsickle, Sayan, Spanel, Basich, Brooks, Smith, S. Wilson and Youngsman; by request of Department of Fisheries

Removing restrictions on the sale of salmon taken in test fishing operations.

House Committee on Fisheries & Wildlife
Senate Committee on Environment & Natural Resources

Background: The director of the Department of Fisheries has authority to conduct test fisheries that are used for a variety of data gathering needs. A test fishery generally consists of a small number of vessels and a limited harvest of fish.

Licensed commercial fishers submit bids annually through the state bidding process for contracts that allow their participation in the various test fisheries conducted by the Department of Fisheries.

The director also has the authority to sell fish caught during a test fishery. Salmon caught during a test fishery can only be sold during an open commercial fishing season in the district where the fish were caught.

Though the director of the Department of Fisheries has authority to conduct test fisheries, coordination and agreement is required from the tribal governments under the Puget Sound Salmon Management Plan. Salmon management on the Columbia River includes the tribal governments and the states of Oregon and Idaho.

Summary: Sale of salmon taken during a test fishery is no longer restricted to an open commercial fishing season in the district where the fish were caught.

Votes on Final Passage:

House	96	0
Senate	47	0

Effective: June 7, 1990

SHB 2296

C 124 L 90

By Committee on Commerce & Labor (originally sponsored by Representatives Cole, Smith, Vekich, Prince, Leonard, Chandler, Walker, Prentice, Jones, R. King, Jacobsen, McLean, Wolfe and Kirby)

Regulating business relationships between manufacturers and distributors of agriculture equipment and independent retail dealers.

House Committee on Commerce & Labor
Senate Committee on Economic Development & Labor

Background: There is no state regulation specifically addressing the business relations between dealers and manufacturers of agricultural equipment.

Summary: The relationship between dealers and suppliers of agricultural equipment is regulated. "Supplier" is defined as the manufacturer, wholesaler, or distributor of the equipment to be sold. "Equipment" is defined as machinery consisting of a framework and various fixed and moving parts, driven by an internal combustion engine, and associated implements that are designed for or adapted and used for agriculture, horticulture, livestock, or grazing.

Prohibited Acts.

An equipment dealer may have a legal cause of action if a supplier commits any of the following acts:

1) Requiring or attempting to require a dealer to take equipment, parts, or any equipment with features not included in the base list price as publicly advertised, which the dealer has not voluntarily ordered;

2) Requiring or attempting to require a dealer to enter into any agreement that is supplementary to an existing agreement with the supplier, unless the supplementary agreement is imposed on other similarly situated dealers;

3) Refusing to deliver equipment in reasonable quantities and within a reasonable time to a dealer with a dealer agreement for the retail sale of new equipment, if the equipment is specifically advertised or represented to be available for immediate delivery, unless the cause is beyond the control of the supplier;

4) Terminating, canceling, or failing to renew a dealer agreement or substantially changing the equipment dealer's competitive circumstances or attempting or threatening these actions without good cause;

5) Conditioning the renewal, continuation, or extension of a dealer agreement on the dealer's renovation of the place of business or acquisition of a new place of business, unless the supplier gives at least one year's notice and demonstrates the need for change, and unless the dealer does not make a good faith effort to complete the plans within one year;

6) Offering to sell equipment to one dealer at a lower price than that at which it is offered to another similarly situated dealer unless the differentials make due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the equipment is sold. A seller may offer a lower price in order to meet an equally low price of a competitor;

7) Unreasonably withholding consent from a dealership to change its capital structure or means of financing;

8) Preventing any dealer or officer, member, partner, or stockholder of a dealer from selling or transferring any part or all of the interest in the dealership if the consent is unreasonably withheld;

9) Requiring a dealer to assent to a release, assignment, novation, waiver, or estoppel that would relieve the supplier from liability; or

10) Unreasonably withholding consent, in the event of death of the dealer, to the transfer of the dealer's interest in the dealership to the dealer's family, if practicable. The supplier's consent is required for such a transfer to occur.

Termination or Nonrenewal.

Dealer actions that may constitute good cause for termination or nonrenewal of a dealer agreement or a substantial change in an equipment dealer's competitive circumstances include:

1) Transferring a controlling ownership interest in the dealership without the supplier's consent;

2) Making a material misrepresentation to the supplier;

3) Filing bankruptcy;

4) Receiving a felony conviction;

5) Failing to operate in business for 10 consecutive days; or

6) Relocating without the supplier's consent.

In all other cases, 90 days written notice is required if a supplier intends to terminate, cancel, or not renew a dealer agreement or substantially change the dealer's competitive circumstances. The notice shall state all reasons constituting good cause. If the problem is corrected within 60 days, the notice is void. Good cause for termination with notice includes:

1) Engaging in excessive pricing or misleading advertising, or failing to provide service and replacement parts or perform warranty obligations;

2) Inadequately representing the supplier causing lack of performance in sales, service, or warranty;

3) Failing to meet building, housekeeping, or personnel requirements of the dealer agreement;

4) Failing to comply with licensing laws; or

5) Failing to comply with the terms of the dealer agreement.

Votes on Final Passage:

House	92	0	
Senate	48	0	(Senate amended)
House	91	0	(House concurred)

Effective: June 7, 1990

HB 2299

C 221 L 90

By Representatives Crane, Jacobsen, Todd, Heavey, Brekke, P. King and Phillips

Regulating telefacsimile messages for commercial solicitation.

House Committee on Energy & Utilities
Senate Committee on Energy & Utilities

Background: A telefacsimile machine is a device that is capable of receiving, and copying onto paper, reasonable reproductions or facsimiles of documents and photographs that have been transmitted over telecommunications lines. Fax machines, as they are known, have existed for some time. Recently, technology has improved to the point that fax machines are easier and more convenient to use.

There have been an increasing number of complaints about unsolicited advertising since fax machines have become more widely available. Depending on the type of machine and the amount of

detail in the message, it may take over a minute to transmit a single letter–size page. Fax machines generally can respond to only one call at a time. If the machine is in use, a subsequent transmission from another fax machine will receive a busy signal.

In 1989, a number of states considered and several states adopted legislation prohibiting unsolicited advertising over fax machines. Some states have prohibited solicitation without prior authorization of the machine owner. Others have prohibited solicitations once the machine owner notifies the solicitor that the solicitations are unwelcome. Other restrictions allow unsolicited transmissions of limited length only between 9 p.m. and 6 a.m.

The Washington Consumer Protection Act prohibits unfair methods of competition and unfair or deceptive acts or practices. The attorney general is authorized to initiate proceedings to prohibit violations of the Consumer Protection Act. A person who is injured by a Consumer Protection Act violation may obtain, in addition to damages, reasonable attorney's fees. The court is authorized to award treble damages.

Summary: A person shall not promote goods or services by telefacsimile message without the prior approval of the recipient. Solicitations may be sent to persons with whom the solicitor has had a prior business relationship. No transmissions may be sent to a recipient who has notified the solicitor that the solicitations are unwanted or to a person the sender knows, or reasonably should have known, is a governmental entity.

It is a violation of the consumer protection act to make an unsolicited transmission of promotional materials in violation of this act. Damages available to the recipient are the greater of $500 or actual damages.

The authority of the Utilities and Transportation Commission to adopt additional rules regulating telefacsimile messages is not affected.

Votes on Final Passage:

House	97	0	
Senate	42	0	(Senate amended)
House	94	0	(House concurred)

Effective: June 7, 1990

HB 2306

C 140 L 90

By Representative P. King

Retaining county clerk responsibility for summoning jurors.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The law regarding juries was amended in 1988. The purpose of the amendments was to promote efficient jury administration and to provide for the uniform selection, summoning, and compensation of jurors.

Under current law, the county clerk issues summons for superior court jury duty. In district courts however, summons is issued by the court. The law provides that if the superior and district courts agree, the superior court may summon jurors for all courts in the county or judicial district.

Having the superior court, rather than the county clerk, issue summons is a departure from the division of functions otherwise made between the superior courts and the county clerks.

Summary: When all the courts in a county or district agree, the county clerk, rather than the superior court, is the authorized entity to summon jurors for all courts in the county or judicial district.

Votes on Final Passage:

House	97	0
Senate	49	0

Effective: June 7, 1990

HB 2310

C 47 L 90

By Representatives H. Sommers, Schoon and Rasmussen; by request of State Treasurer

Modifying the state's ability to lease and lease back land.

House Committee on Capital Facilities & Financing
Senate Committee on Governmental Operations

Background: In 1989, the Legislature authorized the state to enter into lease/purchase agreements for equipment and real estate. Agreements for installment payments on real estate require prior approval by the Legislature.

During the implementation of the new statute, several technical problems surfaced. Two require legislative action. First, public property being acquired by

lease/purchase or installment contacts is subject to the state property tax even though the same property, if acquired by outright purchase, would be exempt from the property tax. Second, the state cannot lease to a third party that resides on state owned land, a building, or other property acquired under a lease/purchase agreement. For example, if the state has a building constructed on state land under a lease/purchase agreement, the state may not lease the building to a third party until the financing contract is satisfied. The lease/purchase program currently finances building contracts with certificates of participation, in which private investors provide initial capital to finance the building.

The state treasurer's office recommends that the state shall be authorized to lease buildings being purchased pursuant to a financing contract to a third party. This would assure investors who provide initial capital to finance the building that they would be able to lease the buildings to others if the state defaults on the financing contract.

Summary: The Department of General Administration may enter into leases of public lands when buildings or other property on the land is to be acquired by the state by a financing contract. All property owned by the state, including property being acquired under a financing contract, is exempt from property taxation.

Votes on Final Passage:

House	92	0
Senate	47	0

Effective: June 7, 1990

HB 2312

C 106 L 90

By Representatives H. Sommers, Schoon and Rasmussen; by request of State Treasurer

Expanding the public funds investment account.

House Committee on Capital Facilities & Financing
Senate Committee on Ways & Means

Background: The 1986 federal tax reform act placed restrictions on state and local governments' ability to earn arbitrage on tax exempt borrowing. Arbitrage occurs when borrowed funds are reinvested. State and local governments are required to expend the gross proceeds of any bond issue within six months of the date of issue. Gross proceeds include the proceeds from the bond sale plus any interest earnings.

Washington statutes on the investment of bond proceeds run counter to the federal tax law in two ways. First, expending the "gross proceeds" of a bond sale for any given project is not possible. The interest earnings on some bond funds remain in the fund, however interest earnings on other funds are deposited into the state general fund. Interest earnings deposited in the general fund are not expended for the project and are therefore subject to penalty. Second, the investment of bond funds is commingled with other funds in the treasury for efficiency reasons and the earnings are credited to the respective funds once each year. This annual distribution of interest earnings may not permit the earnings portion of gross proceeds to be spent within the federally specified time frame.

One solution to this dilemma would be to deposit state bond proceeds in the local government investment pool. This would enable the state treasurer to create separate accounts for each bond issue, monitor the investment earnings, and apply the earnings to capital projects. Funds in the investment pool retain all their investment earnings. To the extent general fund revenues are lowered by the interest income distribution, the loss would be partially offset by the need for fewer bonds that would eventually be paid from the general fund. The lower revenue would also be mitigated by avoiding interest rebates and other federal tax code compliance costs.

Summary: State bond proceeds or other forms of indebtedness, including lease payments, may be invested in the public funds investment account when the investments are made to comply with the Internal Revenue Codes of 1986. The Washington State Housing Finance Commission, the Washington Health Care Facilities Authority, and the Washington Higher Education Facilities Authority may not invest their money in the public funds investment account. All interest earnings of the public funds investment account will be retained in the account and are exempt from deposit requirements to the general fund.

Votes on Final Passage:

House	94	0	
Senate	48	0	(Senate amended)
House	95	0	(House concurred)

Effective: June 7, 1990

SHB 2327

C 297 L 90

By Committee on State Government (originally sponsored by Representatives Silver, H. Sommers, Schoon, Holland, McLean, Fuhrman and Smith; by request of Legislative Budget Committee)

Changing provisions relating to sunset review of programs and agencies.

House Committee on State Government
Senate Committee on Governmental Operations

Background: When a state agency or program is scheduled for termination under the provisions of the Washington Sunset Act, the following process takes place:

1) The Legislative Budget Committee (LBC) conducts a program and fiscal review of the agency or program and submits a report of its findings to the Office of Financial Management (OFM) no later than June 30 of the year prior to the scheduled termination date.

2) OFM may conduct its own review and return its findings to the LBC by September 30 of the same year. LBC then prepares a final report.

3) The appropriate standing committees of the Legislature hold public hearings on the recommendations of the LBC and OFM and then determine whether the agency or program should be terminated, continued, or modified.

In addition to sunset reviews, the LBC is also responsible for a number of other evaluations and studies, many mandated by law. In the next four years, the LBC will be required to complete 23 sunset reviews and nine additional program evaluations or reports, not including a major study of the Family Independence Program.

Summary: The following state agencies or programs scheduled for termination between 1991 and 1994 under the Washington Sunset Act are removed from the schedule of agencies under sunset. Their termination dates are postponed by one year.

1) Nursing Home Advisory Council
New termination: June 30, 1992

2) Emergency Medical Services Committee
New termination: June 30, 1992

3) Regulation of Acupuncture Practice
New termination: June 30, 1992

4) Parimutuel Wagering on Horse Races at Satellite Facilities
New termination: June 30, 1992

5) Business Assistance Center
New termination: June 30, 1993

6) Regulation of Counselors, Social Workers, Mental Health Counselors, and Marriage and Family Counselors
New termination: June 30, 1994

7) Regulation of Naturopaths
New termination: June 30, 1994

8) Examining Board of Psychology
New termination: June 30, 1995

The following programs are also removed from sunset review, but their termination dates are unchanged:

9) Economic Development Board
Termination: June 30, 1993

10) Migratory Waterfowl Art Committee
Termination: June 30, 1994

11) Export Trading Companies
Termination: June 30, 1994

The following agencies or programs are removed from the schedule of agencies under sunset and their termination dates are repealed:

1) Public Works Board
2) Career Executive Program
3) Public Disclosure Commission
4) Small Business Improvement Council
5) Washington Sunrise Act
6) Washington Ambassador Program
7) Washington Council for the Prevention of Child Abuse and Neglect

Statutory requirements for the Legislative Budget Committee (LBC) to conduct the following studies or analyses are repealed:

1) State Employee Incentive Programs (a cost–benefit analysis due December 1, 1990)

2) Physical Therapists (an evaluation of a program of direct access in certain circumstances due January 1, 1991)

The termination dates and required LBC studies of the following are removed:

1) Regulation of Motor Vehicle Warranties ("Lemon Law")

2) Washington State Lottery

A technical change is made to place provisions setting a 1998 termination date for the School Directors' Association in the section of the code containing the Sunset Act.

The 1991 termination date of a program of tax exemptions for preservation of historic property is repealed, and the program continues indefinitely.

Votes on Final Passage:

House	97	0	
Senate	45	2	(Senate amended)
House	90	4	(House concurred)

Effective: June 7, 1990

HB 2330

C 234 L 90

By Representatives Haugen, Ferguson, Cooper, Wang, Raiter, Horn, Zellinsky, Jones, Brumsickle, Basich, Kremen, McLean, Todd, Nealey, Ballard, Morris and Kirby

Modifying levy rate provisions for senior and junior taxing districts.

House Committee on Local Government
House Committee on Revenue
Senate Committee on Governmental Operations

Background: Statutes establish a cumulative ceiling on the rate of most regular property taxes that may be imposed by most taxing districts, including the state. Under these limitations, the state is authorized to impose regular property taxes of up to $3.60 per $1,000 of assessed valuation, at the state equalized value, to fund K–12 education, while most other taxing districts may impose regular property taxes at a combined rate not to exceed $5.55 per $1,000 of assessed valuation.

Relative status levels of various taxing districts that are subject to the $5.55 limitation have been established. Counties, cities, towns, and road districts are classified as senior taxing districts. The remaining taxing districts that are subject to the $5.55 limitation are classified as junior taxing districts, such as library districts, fire protection districts, and public hospital districts. Different status levels within the junior taxing districts have been established.

If a situation arises where regular property taxes in excess of the $5.55 limitation are sought to be imposed in an area, then a process of reducing and eliminating tax levies occurs to keep the cumulative level of such regular property taxes within the $5.55 limitation. This process of reducing or eliminating tax levies is referred to as prorationing. Under this process, the junior taxing districts with the lowest status level have their property taxes reduced proportionately, or eliminated. If the cumulative limitation still is not reached, then the property taxes of taxing districts of the next lowest status level are proportionately reduced or eliminated, and so on until the $5.55 limitation has been reached.

Various laws have been enacted in the last few years attempting to address this prorationing situation. One of these measures allows voters of some junior taxing districts to approve a ballot proposition permitting the junior taxing district to retain its property taxes that would otherwise have been reduced, up to an amount not exceeding an additional 35 cents above the $5.55 limitation for five consecutive years. Voters in several areas have approved such ballot measures. One of these measures terminated last year. This measure provided for an automatic reduction of the taxes of a geographically small junior taxing district, in return for transfers of money from a geographically large junior taxing district.

Summary: The potential of reducing or eliminating junior taxing district property tax levies is reduced by altering property tax laws as follows:

1) The extra 35 cents per $1,000 of assessed taxing capacity that voters may approve for certain junior taxing districts for a six–year period is eliminated;

2) The $5.55 per $1,000 of assessed valuation ceiling is increased by 35 cents to become a $5.90 limitation; and

3) The maximum regular property tax levies for both public hospital districts and metropolitan park districts is altered from a single levy of 75 cents per $1,000 of assessed valuation at the highest junior taxing district tax status, by splitting each of these taxes into two separate tax levies: one of 50 cents per $1,000 of assessed valuation at the highest junior taxing district tax status; and the other at 25 cents per $1,000 of assessed valuation at the third status level, immediately following the status level for the second and third 50 cents per $1,000 of assessed tax levy for fire protection districts.

Votes on Final Passage:

House	89	0
Senate	46	0

Effective: June 7, 1990

HB 2331

C 90 L 90

By Representatives H. Myers, Peery, Betrozoff, Jacobsen, Brumsickle, Pruitt, Rector, Spanel, Cooper, Phillips, Rayburn, Jones, Basich, Crane, Winsley, Schoon and Wang

Requiring teachers to complete a course on issues of abuse.

House Committee on Education
Senate Committee on Education

Background: State law requires that no later than 48 hours after professional school personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she must report the incident or cause to the proper law enforcement agency.

Colleges and universities have been encouraged by the State Board of Education and the Legislature to include information on the recognition of child abuse in teacher preparation programs. There is no requirement, however, that a single course be devoted to this subject.

Each school district is required to adopt a policy regarding the district's role in the prevention of child abuse and neglect and an education and prevention program. School districts and the Superintendent of Public Instruction have been encouraged by the Legislature to provide inservice training for certificated and classified staff on these issues.

In the past few years many schools have developed programs, that deal with the issues of physical abuse or neglect, sexual abuse, and drug and alcohol abuse. These programs have identified not only the effects of abuse on the abuser and victims, but also on other family members.

Summary: After August 31, 1991, an applicant for initial teacher certification must have completed a course that covers these issues: physical, emotional, and sexual abuse, substance abuse, the impact of abuse on the behavior and learning of students, responsibilities of teachers to report abuse or provide assistance to students who are victims of abuse, and methods for teaching students about abuse of all types and the prevention of abuse.

Votes on Final Passage:

House	93	0
Senate	43	5

Effective: June 7, 1990

HB 2335

C 92 L 90

By Representatives Silver, R. Fisher, Prince, Anderson, McLean, Pruitt, Smith, Hankins, Rector, Jacobsen, Winsley, Schoon, Wolfe, Fraser and Kirby

Regulating preservation of historical and abandoned cemeteries.

House Committee on State Government
Senate Committee on Governmental Operations

Background: Cemetery Board. The Cemetery Board oversees the creation or transfer of ownership of private cemeteries in the state, except those operated by a recognized religious denomination, and regulates owners and operators of cemeteries (termed "cemetery authorities"). The board also has authority to examine the financial status of all endowment care or prearrangement trust funds created by cemetery authorities.

Once a plot of land is titled in the county records as a cemetery, the property is dedicated as a cemetery in perpetuity, to be used for no other purpose. Cemeteries are defined as burial parks, mausoleums, or columbariums.

Historic Graves. Historic graves are defined as graves placed outside a dedicated cemetery, except Indian graves. Any person who knowingly removes, mutilates, or injures any historic grave, except in the context of law enforcement, is guilty of a class C felony. The maximum penalty for a class C felony is incarceration in a state correctional institution for five years, a fine of $10,000, or both. The penalty does not apply if the person can prove that the acts were accidental, that reasonable efforts were made to preserve the discovered remains, and that the discovery was properly reported.

Office of Archaeology and Historic Preservation. The state historic preservation officer heads the Office of Archaeology and Historic Preservation, which is a division of the Department of Community Development. The historic preservation officer may grant permission for removal of any records or materials from historic graves or Indian burial places for archaeological or scientific research.

Summary: "Abandoned cemetery" is defined as a burial ground where the county assessor can find no record of an owner, the cemetery authority has ceased to exist and the title has not been transferred, or the last known owner is deceased and title has not been transferred.

"Historical cemetery" means any burial site that contains human remains buried prior to November 11, 1889. Historical cemeteries do not include cemeteries that are still in operation, are owned or operated by a recognized religious denomination, or are controlled by a coroner, city, county, or cemetery district.

For the purposes of this act only, "cemetery" is given an additional meaning of any burial place where five or more human remains are buried. Unless otherwise designated by the records of the county assessor, a cemetery's boundaries are a minimum of 10 feet in any direction from the burials it contains.

Any cemetery, abandoned cemetery, or historic grave is considered permanently dedicated as a cemetery.

The Office of Archaeology and Historic Preservation may grant, on application, authority to maintain and protect an abandoned cemetery to a preservation organization incorporated for that purpose. These corporations are entitled to possess burial records, maps,

and other historic documents. They may establish care funds under the law, subject to review by the Cemetery Board.

Preservation corporations are not liable to those claiming burial rights, ancestral ownership, or other form of control over a cemetery. They are not liable for any reasonable alterations made during restoration work on an abandoned cemetery.

The following penalties are established for unlawful actions in a cemetery:

1) Willfully destroying, mutilating, or tearing down any tomb, plot or marker in a cemetery or any enclosure around the cemetery is a class C felony;

2) Willfully destroying, cutting, or breaking any tree, statuary, or building within a cemetery is a gross misdemeanor (maximum penalty of one year in county jail, a fine of $5,000, or both); and

3) Willfully opening a grave, removing any effects or contents, damaging any containers, or transporting remains from the cemetery is a class C felony.

Any person who commits an unlawful action in a cemetery is liable in a civil action in the name of the Cemetery Board to pay all damages caused by his or her actions.

Votes on Final Passage:

House	95	0	
Senate	47	0	

Effective: June 7, 1990

SHB 2336

C 244 L 90

By Committee on Judiciary (originally sponsored by Representatives O'Brien, Wineberry, Anderson, Rector, Jones, Baugher, Hargrove, P. King, Ferguson, Jacobsen, Crane, Winsley, Schoon, Wolfe, Locke and Silver)

Increasing penalties for the manufacture, sale, or delivery of controlled substances on public buses, and on or near bus stops and public parks.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The Omnibus Alcohol and Controlled Substances Act passed during the 1989 Regular Session doubles the statutory maximum penalties for various drug offenses if they are committed in certain proscribed places. Those places include schools, school buses, or within 1,000 feet of a school bus route stop or within 1,000 feet of school grounds.

The act also contains specific rules about defenses that may be applicable in cases involving the enhanced penalties. It is not a defense, for example, that the offender was not aware that the offense was committed in one of the proscribed places. However, it is a defense that the offense was not committed "for profit." Evidentiary rules are also provided for the admission as evidence of certain maps showing the location of, and distances from, a school or school bus route stop.

Summary: The provision of the Omnibus Alcohol and Controlled Substances Act that doubles the statutory maximum penalties for various drug offenses committed in or near certain places is extended to cover additional places. The additional places are on a public transit vehicle, at a transit vehicle shelter, and in a park. Public transit vehicles include any form of public transportation.

A provision is added to prevent compounding of the double penalty provisions for a single offense.

Votes on Final Passage:

House	94	0	
Senate	48	0	(Senate amended)
House	94	0	(House concurred)

Effective: June 7, 1990

SHB 2337

C 98 L 90

By Committee on Commerce & Labor (originally sponsored by Representatives Cole, Walker, Vekich, Prentice, Ferguson, P. King, Rector and Winsley)

Permitting private collective bargaining sessions by public bodies.

House Committee on Commerce & Labor
Senate Committee on Governmental Operations

Background: The state Open Public Meetings Act requires most meetings of state and local governments to be open to the public. The act does not apply to meetings in which the governing body is planning its position or reviewing proposals with respect to collective bargaining, grievance, or mediation proceedings.

In 1989, the Washington state Court of Appeals decided a case in which two of the three county commissioners had participated in closed collective bargaining negotiating sessions. The court held that the exemption under the Open Public Meetings Act for collective bargaining was limited and that the act required the collective bargaining sessions to be conducted in open public meetings.

Summary: The Open Public Meetings Act does not apply to public employer collective bargaining sessions

with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement.

Votes on Final Passage:

House	90	2
Senate	47	0

Effective: June 7, 1990

SHB 2342

PARTIAL VETO

C 177 L 90

By Committee on Commerce & Labor (originally sponsored by Representatives Vekich, Zellinsky, R. King, Cole, Schmidt, Leonard, Winsley, Prentice, Ferguson, Sayan and Jones)

Licensing fire protection sprinkler system contractors.

House Committee on Commerce & Labor
House Committee on Appropriations
Senate Committee on Economic Development & Labor

Background: The automatic fire sprinkler industry has grown substantially in the last 15 years. Many local building codes require fire sprinkler systems in new residential structures and in other buildings that are generally open to the public. However, there is no statewide licensing scheme covering fire protection sprinkler system contractors.

It is a misdemeanor to willfully and without cause tamper with or break any public or private fire alarm or fire fighting equipment. It is also a misdemeanor to willfully, and without having reasonable ground to believe that a fire exists, sound a false alarm of fire.

Summary: Fire protection sprinkler system contractors must be licensed by the state. The state director of fire protection within the Department of Community Development is given the authority to administer the licensing requirements. The director must set reasonable fees for the issuance of licenses and certificates, establish such testing procedures as may be required, and investigate complaints.

The director is authorized to refuse or revoke licenses and certificates for reasons including fraud, dishonest practices, felony convictions, and gross incompetence or negligence. Licensing decisions may be appealed as provided in the state Administrative Procedure Act. The director must implement a program that will require certificate holders to place their numbers on fire sprinkler installations to identify the installer of a specific fire protection sprinkler system.

A technical advisory committee is established. The committee members are appointed by the director of the Department of Community Development. The committee's function is to advise the director of fire protection in developing rules and regulations. The committee is made up of three members from the fire sprinkler industry, one registered fire protection engineer, one member of the Washington Surveying and Rating Bureau, one member each representing a city fire department, a county fire marshal, a residential sprinkler company, and the Washington State Association of Fire Chiefs.

The director of fire protection and the advisory committee are given the authority to develop criteria for those individuals seeking to obtain a certificate of competency. In addition, an applicant must pass an examination, provide proof that he or she has attained a certain level of certification in engineering technologies, or apply within 90 days of the effective date of this act and establish by affidavit that he or she has at least three years' experience in the field. Provision is made for the issuance of temporary certificates of competency, for those who have less than three years' experience.

To become a licensed fire protection sprinkler system contractor a person or firm must be or employ a holder of a certificate of competency, comply with surety bond requirements, apply for a license, and pay the fee.

The fire protection contractor license fund is created in the custody of the state treasurer. All receipts from license and certificate fees must be deposited into the fund. No appropriation is required for expenditures.

A new provision is added making it a class C felony to willfully and without cause tamper with, molest, injure, or break any public or private fire alarm equipment, wire or signal, or any fire fighting equipment with the intent to commit arson.

Votes on Final Passage:

House	89	4	
Senate	49	0	(Senate amended)
House	94	0	(House concurred)

Effective: June 7, 1990
May 1, 1991 (Sections 2 – 10)

Partial Veto Summary: The provision establishing an advisory board is vetoed. (See VETO MESSAGE)

HB 2343

C 67 L 90

By Representatives Fraser, Holland, Wang, Horn and May; by request of Department of Revenue

Expanding the secrecy clause for tax information and administration.

House Committee on Revenue
Senate Committee on Ways & Means

Background: The secrecy clause in existing tax statutes prohibits the Department of Revenue (DOR) from disclosing information about taxpayers, except in certain circumstances. DOR is allowed to share information with state and local agencies and certain federal agencies in order to enforce tax laws. However, DOR may share information with these entities only if they grant similar privileges to DOR.

DOR is currently prohibited from exchanging taxpayer information with the Canadian government, the U.S. Coast Guard, the U.S. Customs Service, and the U.S. Department of Transportation. As a result, these agencies are often reluctant to share information with DOR regarding vehicle ownership and registration, unregistered business activity, and personal property brought into the state that should be subject to use tax.

Summary: The secrecy clause is amended to give the Department of Revenue the authority to exchange information with the Canadian government and its provincial governments, the U.S. Coast Guard, the U.S. Customs Service, and the U.S. Department of Transportation.

Votes on Final Passage:

House	93	0
Senate	45	0

Effective: June 7, 1990

SHB 2344

C 69 L 90

By Committee on Revenue (originally sponsored by Representatives Wang, Holland, Horn, Grant, Schoon, Van Luven and Phillips; by request of Department of Revenue)

Requiring electronic transfer of funds for certain large tax payments.

House Committee on Revenue
Senate Committee on Ways & Means

Background: The Department of Revenue (DOR) collects the state's major excise taxes, such as the retail sales and business and occupation taxes. DOR collections comprise approximately 90 percent of state general fund revenues. The taxes collected by DOR are reported on one form: the combined excise tax return. Taxpayers reporting on this form who have tax liability greater than $4,800 a year are required to pay taxes by the 25th of each month. The majority of these taxpayers mail in their payments, and DOR may assess penalties and interest against taxpayers whose returns are not postmarked by the due date.

Many corporations and some state governments use an Electronic Funds Transfer (EFT) process instead of check transactions to make various payments. EFT payments are made electronically from one financial institution to another, thus eliminating the need to process a check or other paper instrument. The Department of Licensing currently requires taxpayers with more than $50,000 a month of motor vehicle fuel tax liability to pay taxes through EFT. DOR estimates that at least 10 other states will have implemented EFT for payment of taxes by the end of 1990.

Summary: The Department of Revenue (DOR) is authorized to require certain taxpayers who report on the combined excise tax form to pay taxes through an Electronic Funds Transfer (EFT) process. DOR may initially require payment by EFT from those taxpayers with annual tax liability of $1.8 million or more. After January 1, 1992, DOR may set thresholds by rule at amounts less than $1.8 million, but not less than $240,000. The EFT process is to be completed so that the state receives the funds on or before the next banking day following the due date. Taxpayers who pay taxes through EFT and who receive refunds are to receive these refunds through EFT.

DOR estimates that approximately 2,000 taxpayers have annual tax liability greater than $240,000.

Votes on Final Passage:

House	92	0
Senate	46	0

Effective: January 1, 1991

HB 2345

C 214 L 90

By Representatives Basich, Holland, Haugen, Wang, Horn, R. King and Hargrove; by request of Department of Revenue

Changing enhanced food fish tax remittance requirements.

House Committee on Revenue
Senate Committee on Ways & Means

Background: The fish tax is imposed on the possession of food fish and shellfish for commercial purposes. The tax is levied on the sale of the fish or shellfish after it has been landed. Commercial fishing activities are also subject to business and occupation (B&O) tax at the extracting rate of 0.484 percent.

The due date for payment of fish tax is the 15th of the month following the taxpayer's reporting period, while the B&O due date is the 25th of the month.

Summary: The due date for payment of the fish tax is changed to coincide with the due date for the business and occupation tax and other excise taxes.

Votes on Final Passage:
House 97 0
Senate 47 0

Effective: June 7, 1990

SHB 2361
C 1 L 90

By Committee on Capital Facilities & Financing (originally sponsored by Representatives H. Sommers, Silver, Vekich, Sayan, Jones, Hargrove, Basich, Schoon, Braddock, Peery and Betrozoff)

Clarifying the 1989 appropriation for dredging Grays Harbor.

House Committee on Capital Facilities & Financing

Background: The 1987 Legislature appropriated $10 million of state money to the Department of Community Development for the Grays Harbor dredging project. A condition of the appropriation required a $40 million match from the United States Army Corps of Engineers and $10 million from the Port of Grays Harbor. Because the project was not begun during the 1987–89 biennium, the Legislature reappropriated the funds for the 1989–91 biennium.

An informal Attorney General's opinion has interpreted the condition to mean that an advance appropriation of the full $40 million from the federal government or a legally binding commitment from Congress is necessary in order to expend the state funds. This is not possible since the harbor dredging is a three year project and Congress makes annual appropriations. The federal appropriation for the first year of the project is $13 million.

Summary: The condition on the state appropriation is amended to require an authorization of $40 million and an appropriation of $13 million from the federal government and a $10 million authorization from local government. Up to $3.5 million of the first year's local match may consist of property, easements, or other expenditures approved by the Corps of Engineers. State funds will be disbursed at a rate of $1 for every $4 of federal funds and $1 of local funds. The Port of Grays Harbor must substitute the state appropriation with other non-state public grants or funding sources if available. In the event the total project cost is reduced, the state funds will be reduced proportionally.

Votes on Final Passage:
House 95 0
Senate 43 0

Effective: January 26, 1990

HB 2362
C 204 L 90

By Representatives R. King, Smith, Prentice, Walker, Vekich, Cole, Jones, Wang, Leonard, Basich, Rector, Winsley and Wolfe

Providing incentives for state agencies and institutions of higher education to participate in industrial insurance safety programs and return-to-work programs.

House Committee on Commerce & Labor
House Committee on Appropriations
Senate Committee on Economic Development & Labor and Ways & Means

Background: Under the industrial insurance law, a state agency or institution of higher education may participate in retrospective rating programs that pay premium refunds if the agency or institution reduces its expected claims experience during the retrospective plan period. State law does not allow an agency or institution to retain these premiums between fiscal periods.

The retrospective rating program also provides a participating agency or institution with assistance in creating effective safety programs and better claims management. As part of these loss control programs, several state agencies have adopted or are considering programs that provide return-to-work opportunities for employees who are capable of light or modified duty during the period in which the employee is recovering from the industrial injury. Return-to-work programs are not mandated by state law.

Summary: Industrial insurance refunds earned by state agencies and institutions of higher education from the

retrospective rating program will be deposited in the industrial insurance premium refund account. Funds from the account may be appropriated to the participating agencies or institutions for programs within the agencies, with preference being given to programs that promote employee safety and early, appropriate return–to–work for injured employees. No agency or institution may receive an appropriation greater than the amount earned by the agency as a premium refund.

The State Personnel Board and the Higher Education Personnel Board are directed to adopt rules establishing employee return–to–work programs and requiring each state agency or institution to adopt a return–to–work policy. The programs would provide eligibility for two years for any permanent employee who is receiving industrial insurance temporary total disability compensation and who is unable to return to his or her previous work, but is physically capable of carrying out work of a lighter or modified nature. The boards' rules must also allow opportunity for statewide return–to–work when an appropriate light duty job is not available in the appointing agency; require each agency or institution to appoint a program coordinator; require that job applicants receive an explanation of the return–to–work policy; require training of supervisors on implementation of the return–to–work policy; and coordinate participation, as appropriate, of employee assistance programs.

Any increase in employees necessary to implement the return–to–work programs is to be used only for the programs and the increase is temporary.

The Department of Labor and Industries is directed to appoint a state employee vocational rehabilitation coordinator to assist state agencies and institutions of higher education in implementing the return–to–work programs.

Votes on Final Passage:

House	97	0
Senate	47	0

Effective: June 7, 1990
July 1, 1990 (Section 2)

HB 2373

C 220 L 90

By Representatives Holland, H. Sommers, Schoon, Wang, Rasmussen, Ferguson, Silver, Todd, Winsley, Van Luven, Rector and Horn

Revising bond information requirements.

House Committee on Capital Facilities & Financing
Senate Committee on Ways & Means

Background: In 1985, state law designated the Department of Community Development as the central depository for information on bonds issued by local governments. Local governments, as well as the state, are required to notify the department of the value, interest rate, purpose, and type of bonds issued. The department summarizes this information into quarterly reports. The types of bonds that must be reported include general obligation, revenue, local improvement district, and special assessment.

Summary: Both councilmanic and voter–approved general obligation bonds must be reported to the Department of Community Development. Local governments that issue bonds must submit an annual report summarizing the type and value of all outstanding debt. The report will also compare outstanding debt to the statutory debt limit. The report is based on bonds outstanding on January 1 of each year.

Votes on Final Passage:

House	93	0	
Senate	45	0	(Senate amended)
House	95	0	(House concurred)

Effective: June 7, 1990

SHB 2375

C 148 L 90

By Committee on Appropriations (originally sponsored by Representatives Betrozoff, Peery, Brumsickle, Valle, Walker, H. Myers, Rasmussen, Schoon, Winsley, Pruitt, Brough, Moyer, Wolfe, Todd, Haugen, Scott, P. King, Rector, Wood, Doty, Basich, Youngsman, May, Kremen, Ferguson, Wineberry and Horn)

Creating ALL KIDS CAN LEARN incentive grants.

House Committee on Education
House Committee on Appropriations
Senate Committee on Education

Background: The Legislature first considered "outcomes based education" in 1987. At the present time, some school districts within the state have begun the implementation of outcomes based programs. The characteristics of an outcome based program are: a clear mission statement of the district's goals, identified student exit behaviors, a philosophy that encourages the use of teaching techniques that have been proven successful, and support of the district goals by the school district, teachers, parents, community, and students.

Summary: The ALL KIDS CAN LEARN grant program is created in recognition of the importance of defining school district goals and encouraging the use of effective teaching practices.

The Superintendent of Public Instruction may grant funds to school districts for the planning and implementation of an outcome based education program that carries out the purpose of the Basic Education Act. The grants shall be given for five years, shall be of sufficient size and scope to conform to the principles underlying an outcomes based educational system, and are subject to appropriation.

Votes on Final Passage:

House	93	1	
Senate	43	2	(Senate amended)
House	94	0	(House concurred)

Effective: June 7, 1990

SHB 2378

C 159 L 90

By Committee on Capital Facilities & Financing (originally sponsored by Representatives Leonard, Holland, Walker, Cole, Nutley, Pruitt, Prentice, Kirby, Heavey, Ebersole, G. Fisher, Peery, H. Sommers, Miller, Winsley and Wineberry)

Changing the authority of educational service district boards with regard to the purchase and sale of property used for the operation of the educational service district.

House Committee on Capital Facilities & Financing
Senate Committee on Education and Ways & Means

Background: Educational Service Districts (ESDs) receive funding from three main sources: state allocations, competitive state and federal grants, and cooperative agreements with school districts. State funding is based on statutorily defined "core services" provided by each ESD. State funds make up as little as 5 percent of an ESD's budget.

Overhead costs such as housing for ESD offices are included in cooperative agreements and as part of the state funds allotted for core services. ESDs have authority to enter into contracts for up to 20 years to rent or lease building space. The service districts also have authority, with prior approval of the State Board of Education, to purchase or otherwise contract for real or personal property necessary for the operation of the ESD.

Because ESDs do not have taxing authority, they cannot issue bonds for the purchase of buildings or other real property. Some ESDs have been able to purchase facilities through lease–purchase agreements.

Summary: Educational Service Districts (ESDs) are given authority to borrow funds to acquire real or personal property necessary for the operation of the ESD, subject to provisions that the State Board of Education may establish for these acquisitions. This authority is given only to ESD's serving a minimum of 200,000 students. When borrowing funds, the ESD must pledge as collateral the property being acquired. Borrowing requires the existence of a note or other instrument between the district and the lender.

Votes on Final Passage:

House	95	0	
Senate	44	2	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	45	0	
House	95	0	

Effective: June 7, 1990

2SHB 2379

PARTIAL VETO

C 9 L 90 E1

By Committee on Appropriations (originally sponsored by Representatives Peery, Betrozoff, Dorn, Jacobsen, Hargrove, Holland, Van Luven, P. King, H. Myers, Kirby, Wineberry, Ebersole, May, Ferguson and Rasmussen; by request of Governor Gardner)

Creating student enrollment options programs.

House Committee on Education
Senate Committee on Education

Background: Educational "choice" programs allow parents and students to choose the school the student will attend. A basic tenet of choice programs is that the student's assigned school district may not prohibit the student from leaving the district to attend school in another district. The receiving district, on the other hand, may restrict nonresident enrollment based on space availability and other factors.

Nationwide, choice programs vary widely, including programs that allow choice only within the public school district (intradistrict); programs that allow choice between public school districts (interdistrict); and programs that allow upper–level high school students to attend community colleges, public universities, and vocational–technical institutes (VTI).

Generally, state education funding follows the student to the new school, district, VTI, or college.

Washington state statutes allow school districts wide flexibility in establishing intradistrict choice programs. Interdistrict transfers are allowed in Washington for a number of reasons, including allowing a student to transfer if the Superintendent of Public Instruction finds that a special hardship or detrimental condition may be significantly alleviated by the transfer. Cooperative exchange agreements between school districts also are common.

Summary: FAMILY CHOICE

Interdistrict Transfer Criteria.

The statutes pertaining to student transfers between school districts in cases of hardship or detrimental conditions are amended. Existing provisions are deleted that allow the Superintendent of Public Instruction (SPI) to order the transfer of a student if SPI finds that a special hardship or detrimental condition may likely be significantly improved. New language is inserted that strongly encourages school districts to honor transfer requests, and directs school districts to release a student to a nonresident school district if: 1) a financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer; 2) attendance at the school in the nonresident district is more accessible to the parent's place of work or to the location of child care; or 3) there is a special hardship or detrimental condition.

A district may deny the request of a resident student to transfer to a nonresident district if the transfer would adversely affect the district's existing desegregation plan.

Transfer Fees.

School districts may establish annual transfer fees for nonresident students, and SPI must pay from available funds any transfer fee for low-income students. By December 1, 1990, SPI must make a recommendation to the Legislature on a formula for calculating the transfer fee and an estimate of the cost to the state for paying the fee for low-income students. Until a formula is adopted, the fees will be determined as prescribed by SPI.

Selection of Nonresident Applications.

All districts accepting applications from nonresident students for admission to the district must consider equally all applications. Each school district must adopt a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications by June 30, 1990. If an application is rejected, the notification shall include the reasons for the denial and information on the parent's right to an appeal to SPI and the Superior Court.

Eligibility for Extracurricular Activities.

Eligibility of transfer students for extracurricular activities is subject to rules adopted by the Washington Interscholastic Activities Association.

Intradistrict Transfer Policies.

No later than June 30, 1990, school districts must adopt and implement a policy allowing intradistrict enrollment options. Each district must establish its own policy for implementing the intradistrict enrollment options.

Parent Information.

SPI is required to prepare and annually distribute an information booklet outlining enrollment options. Prior to the 1991-92 school year, the booklet will be distributed to each school in the state, school district office, and public library. Each school district must annually inform parents of the district's intradistrict and interdistrict enrollment options and parental involvement opportunities.

Reports and Recommendations.

SPI must annually collect information on student transfers occurring under the act, and report its findings annually to the Legislature and governor beginning December 1, 1992. By December 1, 1990, SPI is required to make recommendations on the responsibility of parents to provide their children transportation to nonresident schools, the cost of providing a transportation subsidy for low-income students, and whether the statewide information booklet should be distributed to all parents.

SEVENTH AND EIGHTH GRADE CHOICE

If requested, a student who has completed high school courses while in seventh and eighth grade will be given high school credit, which will apply to fulfilling high school graduation requirements if: 1) the course was taken with high school students and the student successfully passed the course, or 2) the course would qualify for high school credit because the course is similar or equivalent to a high school course as determined by the district's board of directors. If a student successfully completes the course, additional competency examinations or assignments may not be required.

Students enrolled in high school when these provisions take effect and who took courses while they were in the seventh and eighth grade may apply for credit.

RUNNING START

Students in the eleventh and twelfth grade may apply to enroll at a community college or vocational-technical institute (VTI). If the student is accepted,

the pupil's school district must transmit to the community college or VTI the student's state basic education funds in proportion to the number of hours of instruction the student receives at the community college or VTI and high school. A student may not take more than the equivalent of two academic years of course work. Both high school and postsecondary credit may be obtained.

Funds received for these high school students by a VTI or community college may be retained, and a student enrolled under the provisions of the act may not be counted for the purpose of determining enrollment restrictions.

SPI, the State Board for Community College Education, and the Higher Education Coordinating Board must jointly adopt rules to implement the Running Start program.

Up to five community college districts may implement the program during the 1990–91 and 1991–92 school years. All community colleges must participate in the 1992–93 school year. VTIs may implement the program beginning with the 1990–91 school year, and are required to implement the program in the 1991–92 school year.

A task force is created comprised of at least 13 members. By June 1, 1991, the task force must report to the Legislature on, but not limited to, whether the Running Start program should be expanded to public four-year higher education institutions.

Votes on Final Passage:

House	68	25	
First Special Session			
House	65	31	
Senate	28	18	(Senate amended)
House	66	30	(House concurred)

Effective: April 11, 1990

Partial Veto Summary: The veto eliminates the task force that was to recommend to the Legislature whether the Running Start program should be expanded to include public four-year higher education institutions. (See VETO MESSAGE)

SHB 2385

C 151 L 90

By Committee on Human Services (originally sponsored by Representatives Sayan, Moyer and Winsley; by request of Department of Social and Health Services)

Making technical changes to alcohol and drug treatment laws.

House Committee on Human Services
Senate Committee on Health & Long-Term Care

Background: During the 1989 session, the Legislature enacted two separate bills amending the same statutes of the chemical dependency law. Changes appearing in one version did not appear in the other, leaving the status of these changes unclear. These double amendments affect the definitions, references to obsolete terminology, authority governing license revocation, and adjudicative procedures.

There is no definition of "chemical dependency specialist" who performs commitment duties under the law.

Patient records maintained by treatment programs are confidential but can be disclosed if authorized by court order upon a showing of good cause. However, federal law specifies conditions for disclosure of patient records and supersedes less restrictive state laws as a condition for receiving federal funds.

The Department of Social and Health Services has no clear authority to receive information from patient records for the purpose of verifying eligibility and the appropriateness of reimbursement.

Alcohol and substance treatment services to eligible pregnant women under the state medical assistance program are funded with a specific reference to a 1989 bill.

Summary: The multiple legislative changes to the chemical dependency law are reenacted to conform the provisions and terminology. Definitions of "chemical dependency specialist," "gravely disabled by alcohol and other drugs," "licensed physician," and "peace officer" are added to the definitions.

References to "treatment facility" are conformed to the definition of "treatment program." The provisions authorizing the department to revoke licenses and to allow adjudicative proceedings in place of superior court jurisdiction are reenacted.

The department's authority to receive information from patient records to verify persons, firms, and approved drug and alcohol treatment programs are obligated to conform to federal regulations governing the confidentiality of patient records.

The reference is deleted to the funding source of alcohol and substance abuse treatment services for pregnant women under the state medical assistance program.

Votes on Final Passage:

House	88	0
Senate	46	0

Effective: March 23, 1990

HB 2386

C 198 L 90

By Representatives Ballard, R. Fisher, McLean, Wolfe, Miller, Forner and Horn

Clarifying the status of temporary permit fees paid to vehicle dealers.

House Committee on Transportation
Senate Committee on Transportation

Background: Under current law, residents of this state must register vehicles that are operated on the public highways. A temporary permit to operate a vehicle, for which application for registration has been made, may be issued by the Department of Licensing or by vehicle dealers licensed under state law. The permit costs $5, and that amount is credited to the registration fees at the time application for registration is made.

There has been some concern raised that a buyer who has paid registration fees to a dealer who fails to transmit those fees to the department would have to pay the fees again in order to complete registration of the vehicle.

Summary: Motor vehicle registration fees paid to an authorized dealer are considered to have been paid to the state of Washington.

Votes on Final Passage:

House	92	0
Senate	46	0

Effective: June 7, 1990

SHB 2390

C 114 L 90

By Committee on Environmental Affairs (originally sponsored by Representatives Rust, Phillips, Jacobsen, Nelson, Valle, Pruitt, Sprenkle, P. King, Heavey, Hine, R. Fisher, Rector, Dellwo, Basich, O'Brien, Spanel, Brekke and Crane; by request of Governor Gardner)

Regulating hazardous substances and waste.

House Committee on Environmental Affairs
House Committee on Revenue
Senate Committee on Environment & Natural Resources

Background: Waste Reduction. In 1983, the Legislature enacted a law establishing priorities for the management and regulation of hazardous wastes. The first priority is waste reduction followed by waste recycling, treatment, incineration, solidification or stabilization, and landfill. The Department of Ecology was given responsibility for conducting a study on the best management practices for different categories of waste.

In 1988, the Legislature enacted a law establishing the Office of Waste Reduction within the Department of Ecology. Under this law, the office provides waste reduction assistance to generators of both hazardous and solid waste and advice to waste generators on waste reduction techniques. It is also required to maintain an information and referral service, coordinate public education programs, and recommend appropriate courses and curricula for the state's colleges and universities.

In providing advice to a waste generator, the office may visit the generator's facilities. The person providing the advice may not have any enforcement authority. Proprietary information obtained during the course of the visit may not become part of the information data base maintained by the office.

In the last year, at least three states have enacted measures to encourage reduction in the use of hazardous substances and the generation of hazardous waste. Oregon has adopted a program requiring hazardous waste generators, required to report under federal statutes, to develop plans for reducing hazardous substance use and waste generation and to establish specific performance goals for the reduction or hazardous substance use and waste generation. Oregon does not impose any specific performance requirements and does not impose penalties for failing to satisfy the goals established in the plans. California has enacted a measure similar to Oregon's, requiring waste generators to prepare plans on methods to reduce the use of hazardous substances and the generation of hazardous waste. As with the Oregon statute, California does not impose specific performance requirements. However, if a generator fails to implement measures identified in the generator's plan without reason, California may impose penalties on the generator until those measures are implemented. Massachusetts has enacted a measure that provides for plans to reduce the use of toxic substances. The Massachusetts statute establishes a state-wide goal to reduce by 50 percent the use of toxic substances by 1997. There is legislation pending in Congress that would encourage states to adopt measures similar to those adopted by Oregon, California, and Massachusetts.

The governors of Washington, Oregon, Idaho, and Alaska, together with the Environmental Protection Agency, have formed the Pacific Northwest Hazardous Waste Advisory Council to support waste reduction efforts and to advise the states on the need for treatment, storage, and disposal facilities. The council

has made a number of recommendations, including a recommendation that the Pacific Northwest establish a goal to reduce the generation of hazardous waste by 50 percent by 1995. The council has stated that this should be a matter of policy, not a regulatory requirement.

Hazardous Waste Fee. In 1983, the Legislature enacted a law establishing fees on the generation of hazardous waste. These fees were assessed against generators of hazardous waste and based on a generator's gross income. The maximum fee was $7,500. A similar fee was imposed against treatment, storage, and disposal facilities. In 1987, the Legislature repealed these fees when it enacted the legislative alternative to Initiative 97. Initiative 97, approved by the voters in the 1988 general election, repealed the repealer of the hazardous waste fees and directed the Department of Ecology to propose to the Legislature a fee structure that will be an incentive to waste reduction and recycling. A Thurston County Superior Court decision has found that Initiative 97 could not revive the statutes that had been repealed by the Legislature.

Most businesses in the state are required to pay a tax on gross income, the business and occupation tax. A business that has sales or income of less than $1,000 a month is exempt from the tax.

Summary: Waste Reduction. The Legislature recognizes that business, individuals, and government contribute to hazardous waste generation. The Legislature adopts the Pacific Northwest Hazardous Waste Advisory Council recommendation that hazardous waste generation should be reduced by 50 percent by 1995. The Legislature recognizes that many individual businesses may already have made substantial reductions in hazardous waste generation, and that some processes may not be capable of being modified to reduce hazardous waste. The 50 percent goal may not be applied as a regulatory requirement.

The Office of Waste Reduction's duties to provide assistance are modified to specifically include assistance in hazardous substance use reduction efforts and in the completion of plans for the reduction of hazardous waste. The office is also directed to establish an intern program in cooperation with colleges and universities to provide technical assistance to business.

An employee of the department providing advisory services during a visit to a business may not exercise any enforcement authority. The department may include proprietary information in its data base on waste reduction techniques with the written permission of the business.

Hazardous waste generators who generate more than 2,640 pounds of hazardous waste each year and hazardous substance users required to report under federal law are required to prepare plans designed to reduce the generation of hazardous wastes and the use of hazardous substances. A single plan may cover more than one facility. Hazardous waste generated for beneficial use does not count in determining whether a plan must be prepared. A person who, because of unique circumstances, generates sufficient waste to be required to complete a plan, may petition the department for an exclusion.

The Department of Ecology is directed to adopt rules by April 1, 1991, for the preparation of the plans. The plans contain provisions dealing with substance use reduction, waste reduction, recycling, and treatment in descending order. The plans must also contain specific performance goals for the anticipated reduction of hazardous waste and in the use of hazardous substances, and for recycling and treatment. Plans are to be designed on a five year implementation schedule and must be updated every five years.

An executive summary of the plan must also be prepared and must include a summary of the hazardous substances used and wastes generated, a description of the options chosen to reduce substances used or waste generated, and the specific performance goals. The executive summary must be submitted to the department.

Generators of more than 50,000 pounds of hazardous waste and hazardous substance users must complete their plans and executive summaries by September 1, 1992. By September 1, 1993, generators of between 7,000 and 50,000 pounds of hazardous waste must complete their plans and executive summaries. By September 1, 1994, all other covered generators must complete their plans. In subsequent years, newly covered generators and users must submit their plans and executive summaries by September 1 of the year following the year they became subject to the planning requirements.

Hazardous waste generators and hazardous substance users must prepare annual reports. The reports must be submitted to the department and include a description of the progress made towards the specific performance goals included in the generator's plan.

The department shall determine whether a plan, executive summary, or progress report is adequate based on whether the document is complete and complies with the planning process required by the act.

The department may require a hazardous substance user or waste generator to prepare a plan, executive summary, or annual report or to correct an inadequate plan, summary, or progress report. Failure to comply will subject the user or generator to a civil penalty

equal to the greater of $1,000 or three times the generator's annual fee. Continued failure will subject the user or the generator to a surcharge of three times the disposal fee for any waste disposed of by the user or generator in this state. The decision of the department to impose a penalty may be appealed to the Pollution Control Hearings Board.

The executive summary and annual progress reports submitted to the department are available for public inspection. The plan is retained at the user's or generator's facility and is not available for public inspection. Persons living within the vicinity of a facility may ask the department to review the plan of a facility. If at least 10 persons make such a request, the department must review the plan and report its conclusions to those individuals and to the facility.

A person submitting an executive summary or progress report may request the department to keep certain information confidential if disclosure would adversely affect the person's competitive position. While the department is reviewing that request, the executive summary or progress report is not available for public inspection.

Hazardous Waste Fees. A fee of $35 is imposed on every person doing business in the state who generates hazardous waste or is in a type of business that might generate hazardous waste. A business exempt from paying business and occupation tax because the business does not meet the income threshold is exempt from the $35 annual fee. The revenue generated from the fee is subject to appropriation by the Legislature and may only be used to support the activities of the Office of Waste Reduction. The Department of Ecology will adopt rules defining the businesses that will be required to pay the annual fee.

The Department of Ecology is directed to establish a fee structure to be imposed on those required to prepare plans. A facility that generates less than 2,640 pounds of hazardous waste is not required to pay this fee. The maximum annual fee that may be imposed against a facility that generates 4,000 pounds or less of hazardous waste is $50. The maximum fee that may be assessed in other instances is $10,000 for each plan. A hazardous waste generator will pay the fee beginning with the year the generator is first required to submit a plan.

Hazardous waste fees and any penalties imposed as a result of a failure to prepare an adequate plan are to be deposited in the hazardous waste assistance account. Money in the account may be used to provide technical assistance and compliance education and to make grants to local governments for the purpose of providing assistance to small quantity generators under local government moderate risk waste plans.

The previously enacted hazardous waste fees are repealed.

Votes on Final Passage:

House	98	0	
Senate	48	0	(Senate amended)
House	92	0	(House concurred)

Effective: March 21, 1990

HB 2395

C 207 L 90

By Representatives Anderson, Brooks, Braddock, Moyer, Locke, Prentice, Jacobsen, Scott and Wineberry

Regarding reimbursement of nursing homes authorized to meet the needs of people with AIDS.

House Committee on Health Care
House Committee on Appropriations
Senate Committee on Health & Long-Term Care and Ways & Means

Background: Currently, the nursing home Medicaid reimbursement system limits the level of nursing staff, based on a formula established by the Department of Social and Health Services. The formula is specific to each nursing home and takes into consideration patient characteristics and previously used staffing levels. Nursing staff refers to registered nurses, licensed practical nurses, and certified nursing assistants.

Persons with Acquired Immunodeficiency Syndrome (AIDS) require a type and level of specialized care not currently available in a nursing home environment. Patients with the advanced AIDS condition may require 24 hour nursing care. The high intensity level of medical and social support needed by the AIDS patient, coupled with the infectious nature of this disease, require that a carefully planned and supportive care environment be provided for these non-traditional nursing home residents.

A 1989 amendment to the Washington State Health Plan authorized a pilot facility specifically designed to meet the needs of persons suffering from AIDS. The Department of Health has reviewed one specialized AIDS nursing home pilot facility and has granted a certificate of need.

Summary: The limit on nursing staff in nursing homes is eliminated for a particular pilot facility especially designed to meet the needs of persons with AIDS.

Votes on Final Passage:

House	89	0	
Senate	46	0	(Senate amended)
House	95	0	(House concurred)

Effective: June 7, 1990

SHB 2403

PARTIAL VETO

C 208 L 90

By Committee on State Government (originally sponsored by Representatives Rector, Ballard, Peery, Silver, Heavey, Dellwo, Jacobsen, Nelson, Hankins, Miller, H. Sommers, Kirby, Winsley, McLean, Todd, H. Myers and Jones)

Adding video telecommunication responsibilities to the department of information services.

House Committee on State Government
Senate Committee on Governmental Operations and Ways & Means

Background: The Department of Information Services (DIS) was created in 1987 to provide coordinated planning and management of state information services. The department and the Information Services Board (ISB) provide direction to state agencies on strategic planning and technical policies for information services, develop acquisition standards, and assist agencies in acquiring and implementing information services.

The ISB is composed of the following members appointed by the governor: one representative from each of three cabinet agencies and one non–cabinet agency, one representative from higher education, and two representatives from the private sector. The chief justice of the Supreme Court appoints a representative from the judicial branch, and the speaker of the House and the president of the Senate jointly appoint one legislative representative. The director of DIS serves ex officio.

Both the capital and operating budgets adopted in 1989 contained proviso language assigning to DIS the role of lead agency in coordinating video telecommunication services for state agencies. As lead agency, DIS is required to develop standards and common specifications for video telecommunications equipment and assist agencies in developing a video telecommunications plan.

Several public agencies actively use video telecommunications. The WHETS microwave system (Washington Higher Education Telecommunications System) is used by Washington State University to transmit upper division classes between Pullman and branch campuses in Spokane, the Tri Cities, and Vancouver. The University of Washington is also connected to WHETS. A second well–known project is STEP (Satellite Telecommunications Educational Programming), run by Educational Service District No. 101 in Spokane. STEP broadcasts high school courses and in–service training via satellite to member school districts across not only Washington, but other states as well.

Several Washington school districts have signed contracts to receive a nationally–produced, televised current events program called "Channel One." In return for a satellite dish, video recorders, and television monitors for most classrooms, the districts must agree to have most students watch the daily program. Corporate sponsors pay for the program by including commercial advertising as part of the broadcast. Several national education organizations have expressed opposition to the use of commercial advertising in schools, and California and New York have banned "Channel One" in their schools.

Summary: General Intent. The Legislature intends that state government use video telecommunications to increase access to interactive classroom instruction, provide interactive public affairs presentations, and facilitate inter–agency communication and communication between the public and elected officials. It is also the Legislature's intent to maximize the use of existing telecommunications resources and further develop video telecommunications in a manner that makes cost–effective use of resources, encourages shared use, and fulfills identified needs.

"Video telecommunications" is defined, but expressly does not include existing public television broadcast stations.

Information Services Board. Membership on the Information Services Board (ISB) is altered as follows: the director of the Department of Information Services (DIS) is added as a full member, a fourth cabinet agency replaces the non–cabinet agency, the directors of the Higher Education Coordinating Board and the State Board for Community College Education replace the higher education member, and the Superintendent of Public Instruction and a second legislator are added as members.

The ISB is to assure the cost–effective development and incremental implementation of a state–wide video telecommunications system. By December 1, 1990, the ISB will submit to the governor and the Legislature an implementation plan, including reviews of previous findings, the strengths and weaknesses of the present

system, a strategic direction, proposals for coordination between affected agencies, and cost estimates.

Department of Information Services. DIS is declared to be the lead agency in coordinating video telecommunications services for all state agencies. Under this authority, the department is to develop standards and common specifications for leased and purchased telecommunications equipment, pursuant to ISB policies, and negotiate with local cable companies and local governments to allow access to public and educational channels. However, DIS is not to evaluate the merits of curriculum or course offerings proposed for transmission.

Nothing about DIS's authority affects the legal responsibilities of those holding Federal Communication Commission licenses on the effective date of the bill.

Other State Agencies. The Superintendent of Public Instruction (SPI), the Higher Education Coordinating Board, and the State Board for Community College Education are each given authority to coordinate video telecommunications programming for their respective institutions and districts.

Advisory Committee. A video telecommunications advisory committee is created to advise the ISB. The committee is to develop recommendations for creation and use of statewide video telecommunications resources, assist the ISB in the development of a strategic plan and coordinated program, develop a plan to encourage collaborative efforts to make the most cost–effective use of resources, offer recommendations on using video telecommunications in ways that are consistent with the strategic plan, and develop criteria for selection of pilot projects should funds become available.

The committee consists of the following members: four representing various areas of higher education, four representing various areas of K–12 education, two representing state agencies, two representing the private sector, one representing the Office of Financial Management, two legislators, and the director of DIS.

Commercial Promotional Activity in Schools. SPI must conduct a study of the impact of commercial promotional activity and commercial sponsorship on educational broadcast programming and on the educational system in general. The study is to include districts within and outside Washington that have contracted for televised educational programming that includes commercial advertising. SPI's findings, recommendations, and policy options are due January 15, 1991. SPI is to notify all school districts of the study and encourage districts not to enter into contracts for programming that includes commercials until the study is completed.

Votes on Final Passage:

House	93	0	
Senate	42	0	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	42	6	
House	97	0	

Effective: March 27, 1990

Partial Veto Summary: The veto deletes the changes to the composition of the Information Services Board and returns the board to its original form, eliminates the video telecommunications advisory committee and its duties, and removes the requirement that the Superintendent of Public Instruction study the impact of commercial promotional activity on the educational system and removes all references to the topic of commercial promotional activity in schools. (See VETO MESSAGE)

HB 2410

C 25 L 90

By Representatives Anderson, Wolfe, Prentice, Brooks, Locke, Scott, Miller, Wood, Wineberry and Brekke

Extending medical assistance hospice benefits through the end of this biennium.

House Committee on Health Care
Senate Committee on Health & Long Term Care

Background: Hospice care refers to a range of care and assistance to the patient and family, which alleviates the physical, emotional, and spiritual discomfort associated with death and dying.

In 1983, the federal government authorized a Medicare hospice benefit. In that same year, the Washington state Legislature established a mandatory insurance offering for a hospice benefit.

In 1986, hospice benefits were made a permanent part of the medicare system and states were also allowed to include hospice as part of their Medicaid package. In 1989, Washington state enacted legislation that allowed hospice Medicaid benefits on a pilot basis subject to available funding. The Department of Health was required to review and report on the cost effectiveness of the program by December 20, 1989. The report recommended continuation of the benefit until the end of the biennium, however cost data was

lacking because limited participation resulted in insufficient information for analysis.

The hospice Medicaid benefit is scheduled to terminate on April 1, 1990, unless extended by legislation.

Summary: Medicaid hospice benefits will continue through the current biennium and are scheduled to terminate on June 30, 1991. The Department of Social and Health Services is required to provide the Legislature with a report indicating the costs of providing Medicaid hospice services by December 20, 1990.

Votes on Final Passage:

House	94	0
Senate	46	0

Effective: March 13, 1990

HB 2411

PARTIAL VETO

C 222 L 90

By Representatives Braddock, Brooks and Prentice; by request of Health Care Authority

Amending health care authority provisions.

House Committee on Health Care
Senate Committee on Health & Long Term Care

Background: In 1988, to address a financial crisis regarding public employee benefits, the Legislature passed the Health Care Reform Act, which created the Washington State Health Care Authority (HCA). The HCA's two primary responsibilities are to develop and manage insurance benefits for state employees, retirees, and their families; and to study ways for the state to become a prudent purchaser of health care services.

As the HCA was developed, agency officials identified several areas of law that needed change including updating language, eliminating outdated requirements, clarifying the duties of the agency, modifying employee/spouse conversion provisions, and providing safeguards from public disclosure of certain proprietary information and bid related data.

Presently, the Department of Health is responsible for reviewing proposed mandated health benefits and mandated health offerings.

Summary: Technical changes are made to the Health Care Authority (HCA) enabling statute, including the listing of the newly created Department of Health as a cooperating agency.

The requirement that contribution rates of newly enrolled local entities cannot reflect the benefit of any surpluses accrued prior to their entry is eliminated. The role of the HCA is clarified regarding utilization of health data and the application process regarding local entities. The HCA is authorized to appoint a technical advisory committee and to promulgate rules.

Language is added to include employees and spouses in the conversion entitlement. The HCA is authorized to withhold from public disclosure certain proprietary information and data contained in responses to requests for bids. The responsibility for reviewing mandated health benefits and mandated health offerings is transferred from the Department of Health to the Washington State Health Care Authority.

Votes on Final Passage:

House	97	0	
Senate	46	0	(Senate amended)
House	94	0	(House concurred)

Effective: June 7, 1990

Partial Veto Summary: Presently, the Department of Health has the authority to review and comment on proposed mandated health benefits. HB 2411 would transfer that function to the Washington Health Care Authority. The effect of the veto is to keep this function with the Department of Health. (See VETO MESSAGE)

HB 2413

C 286 L 90

By Representatives Wood, Rector, Locke, Prince, Ebersole, Dellwo, Miller, Anderson, Jacobsen, Peery, Wineberry, Day, Winsley, Brumsickle, Wolfe, P. King, Wang, Forner, Horn, Youngsman, May, Kremen and Ferguson

Including middle and junior high school students in the mathematics, engineering, and science achievement program.

House Committee on Higher Education
House Committee on Appropriations
Senate Committee on Higher Education and Ways & Means

Background: A report by the Task Force on Women, Minorities, and the Handicapped in Science and Technology indicates that by the year 2010, the United States will face a shortage of 560,000 technicians in science and engineering. Of the new people entering the labor market between 1985 and 2000, most will be women, immigrants, and minorities. Blacks, Hispanics, and Native Americans will constitute more than one-third of the future college-age population. The National Science Foundation points

out that if minority populations are not trained early for high–tech careers, industry and colleges will be forced to become dependent on foreign–born students and faculty.

Only two major programs are available in this state to nurture minority students talented in math and science. The oldest is the University of Washington's Minority Engineering Program. The other is the Mathematics, Engineering, and Science Achievement (MESA) program for students in the ninth through twelfth grades. In partnership with higher education institutions, school districts, businesses, and community organizations, MESA provides after–school and Saturday classes, group science projects and regular field trips to high–tech factories and university campuses. More than 90 percent of the MESA students go on to college and two–thirds of the college bound–students pursue studies in science or engineering.

In 1989, the focus of the program was expanded to encourage minority students to enter the teaching profession in the fields of mathematics, engineering, and science.

Summary: The Mathematics, Engineering, and Science Achievement program will expand its focus to include students in middle and junior high schools. The program will cover students in the sixth through the twelfth grades.

Votes on Final Passage:

House	98	0	
Senate	47	0	(Senate amended)
House			(House refused to concur)
Conference Committee			
Senate	47	0	
House	94	0	

Effective: June 7, 1990

SHB 2416

C 3 L 90 E1

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Dellwo, Chandler, Zellinsky, Anderson, Nutley and Winsley; by request of Insurance Commissioner)

Changing multiple insurance statutes.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions & Insurance

Background: The Administrative Procedures Act supersedes the Insurance Code's provisions requiring hearings within 30 days of a demand for a hearing. The Administrative Procedures Act requires a hearing within 90 days of a demand for a hearing.

An applicant for an agent's license need not pass an exam to obtain the license if the applicant held an agent's license for the two year period immediately preceding the date of application.

The Insurance Code permits the insurance commissioner to adopt regulations establishing procedures for insurance company appointment of agents within licensed firms or corporations. Similar rule–making authority is not expressly given the commissioner with respect to the appointment of agents by a sole proprietorship.

The Insurance Code makes no provision for nonresident agent offices within the state of Washington.

The Insurance Code procedures for service of process are inconsistent with the recently enacted Administrative Procedures Act.

Last year the Legislature passed two separate measures amending the same statute governing treatment of alcoholism and drug addiction. These unreconciled double amendments create confusion in the portion of the Insurance Code that refers to the treatment statute.

Insurance companies, agents, and brokers may not give to insureds or prospective insureds any goods, prizes, or merchandise exceeding $5 in value.

The insurance commissioner is required to revoke the license of any insurance agent or broker found guilty of the misdemeanor offense of making a false or fraudulent statement in an application for insurance.

The Insurance Code classifies the submission of false claims to an insurance company as a gross misdemeanor offense.

Insurance adjustors who investigate fire losses are required to report any facts supporting a claim of fraud to the insurance commissioner.

Summary: A variety of amendments are made to the state's insurance laws.

The provisions governing administrative hearings are amended to require a hearing concerning temporary license suspension within 30 days, rather than within the 90 days allowed under the Administrative Procedures Act.

Only applicants who held an agent's license as a Washington resident during the two years preceding application for a license may avoid the agent's license exam.

The commissioner is authorized to adopt procedures governing the appointment of agents by a sole proprietorship insurance company.

Nonresident agents may have offices within Washington.

Insurance Code provisions governing service of process are amended to conform to the Administrative Procedures Act.

Insurance Code provisions referencing statutes governing alcoholism and drug treatment are amended to conform to the changes made in these statutes.

The value of gifts that insurers, agents, and brokers may give to insureds or prospective insureds is increased from $5 to $25.

A binder evidencing application for insurance may be used as proof of insurance in credit transactions.

The insurance commissioner is authorized, but no longer required, to revoke the license of an agent or broker found guilty of a misdemeanor charge of making a fraudulent statement in an application of insurance. The commissioner may also revoke the agent's or broker's license for making a false or fraudulent statement in an application for insurance whether or not the agent or broker is subsequently convicted of a misdemeanor.

The submission of a false claim to an insurance company is punishable as a class C felony if the value of the claim exceeds $1,500.

The Insurance Code provisions requiring adjustors to report facts supporting a fraudulent fire loss to the insurance commissioner is repealed.

Votes on Final Passage:

House	97	0
First Special Session		
House	96	0
Senate	48	1

Effective: July 1, 1990

SHB 2421

C 231 L 90

By Committee on Natural Resources & Parks (originally sponsored by Representatives Dorn, Belcher, Beck, Rasmussen, Betrozoff and R. King)

Requiring safety standards for the operation of jet skis.

House Committee on Natural Resources & Parks
Senate Committee on Environment & Natural Resources

Background: "Personal watercraft" include Jet Skis, Wet Bikes, Wetjets, Waverunners, and other highly maneuverable, small vessels on which the operator stands, sits, kneels, or is towed behind. Because these vessels are small, fast, and barely visible they pose an unusually high risk of injury.

In 1988, due to the numerous complaints from law enforcement agencies and property owners, the State Parks and Recreation Commission coordinated a personal watercraft awareness clinic. Over 60 officers from three states attended the clinic. The officers learned through their testing of the machines that operators fall off easily and are vulnerable to exhaustion.

The State Parks and Recreation Commission has adopted boating safety and water skiing standards. The standards adopted are the United States Coast Guard Safety Standards, which do not deal specifically with personal watercraft. There are, therefore, no state wide standards for the operation of personal watercraft.

Summary: Safety standards are established for personal watercraft operators. A "personal watercraft" is defined as a vessel with a motor powered water jet pump.

The operator of a personal water craft must be 14 years of age. It is unlawful for any person to lease, hire, or rent a personal watercraft to any person who is under 16 years of age. The operator of a personal watercraft must operate the vehicle in a reasonable manner. No person may operate a personal watercraft during the period from sunset to sunrise.

If a personal watercraft is equipped with a lanyard cutoff switch, the lanyard must be attached to the operator. A remote–operated personal watercraft must have a flag attached that is visible from all directions. Personal watercraft mufflers must include a series of baffles and chambers to blend exhaust and motor noise. It is unlawful to remove or use a cutout device on any personal watercraft muffler or muffling device.

Seaplanes are excluded from the definition of "vessel" for the purposes of boating and water skiing safety standards. Water ski observers are required to meet minimum qualifications established by the State Parks and Recreation Commission.

Votes on Final Passage:

House	93	0	
Senate	49	0	(Senate amended)
Senate	44	1	(Senate amended)
House	87	0	(House concurred)

Effective: June 7, 1990

SHB 2426

C 245 L 90

By Committee on Commerce & Labor (originally sponsored by Representatives Vekich, Walker, Chandler and Winsley; by request of Employment Security Department)

Revising provisions for employer contributions for unemployment compensation.

House Committee on Commerce & Labor
Senate Committee on Economic Development & Labor

Background: Unemployment Insurance Eligibility and Coverage.

Under federal law, state unemployment insurance laws must require an unemployed worker to requalify if the worker applies more than once for benefits based on the same period of employment. To requalify in Washington, a claimant who files a subsequent application for unemployment benefits using wage credits that were earned before the earlier claim was filed must have earned at least six times the weekly benefit amount since the beginning of the waiting period in the previous benefit year. If the claimant had returned to work before receiving the waiting period credit in the earlier claim, the claimant will not be able to qualify for benefits in the subsequent claim.

Aliens, including foreign students, employed in the United States are covered by unemployment insurance

Unemployment Insurance Contributions.

Employers who are not current in their unemployment tax payments are not eligible for experience rating. Agricultural employers newly covered for unemployment insurance are not eligible for experience rating and must pay the industry average unless a special tax rate has been assigned.

Nonprofit organizations may elect to self–insure their unemployment insurance program. Under the election, the employer must pay the Employment Security Department for the full amount of benefits paid to claimants for weeks of unemployment that begin during the period of the election.

Each quarter, the department notifies every employer of the amount of benefits received by claimants and charged to the employer's experience rating account. Statutory notice is also required annually.

Redeterminations and Collections.

If, after review by the commissioner of the Employment Security Department, an employer disagrees with the benefit charges that are made to the employer's experience rating account, the employer may appeal the commission's decision within 10 days after the date on which it was issued.

If a party disagrees with a determination of the commissioner concerning the allowance, denial, or amount of the claimant's unemployment insurance benefits, the party may request a redetermination within prescribed time periods. However, a redetermination may be made at any time to conform the award to a final court decision.

If a claimant receives a back pay award, any benefits that the claimant received for the period covered by the back pay award will be considered overpayments and will be subject to collection action. The department does not have authority to impose interest penalties if the person making repayments on an overpayment fails to make the required payments.

In collecting on overdue tax payments, the department must serve notices to withhold and deliver by personal service through the county sheriff.

Voluntary Combined Reporting for Agricultural Employers.

In 1989, the Legislature directed that the Employment Security Department, the Department of Labor and Industries, the Department of Licensing, and the Department of Revenue develop a plan for implementing voluntary combined reporting for agricultural employers and that the plan have an implementation date of January 1, 1991. In the plan submitted to the Legislature, the departments recommended that the implementation date be changed to January 1, 1992.

Summary: Unemployment Insurance Eligibility and Coverage.

The requirement is amended for establishing an unemployment insurance benefit year when the claimant's base year includes wages earned before the establishment of a prior benefit year. The period in which the claimant is required to have earnings of not less than six times the weekly benefit amount is changed from the period beginning with the waiting period in the prior benefit year to the period following the initial job separation in the prior benefit year.

Unemployment insurance does not cover services performed by nonresident aliens who are temporarily in the United States under specified student visas.

Unemployment Insurance Contributions.

An employer who has an approved agency–deferred payment contract for the payment of back tax liability may qualify for experience rating unless the employer fails to make payments under the contract or fails to submit tax reports.

Newly covered agricultural employers, whose standard industrial code is field crops other than cash

grains or general farming, are given an initial unemployment insurance tax rate of 2.5 percent of qualified payroll.

The basis for determining the payments that nonprofit organizations that elect to self–insure their unemployment insurance program must make is changed from the amount of benefits paid to claimants in the weeks of claimant unemployment that began during the period of election to the employee wages that were paid or payable during the period of election.

The requirement is deleted for annual notice to an employer of the total amount of benefits charged to the employer's experience rating account in the previous year. Annual notice of the employer's tax rate must include information about the factors used in calculating the rate.

Redeterminations and Collections.

The period of time in which an employer may appeal a decision regarding the benefit charges made to the employer's experience rating account is changed from 10 days to 30 days. The appeal is limited to the charges made during the previous year.

The commissioner of the Employment Security Department is authorized to make a redetermination on an unemployment insurance claim at any time if a back pay award or settlement affects the allowance of benefits or if the case involves fraud, misrepresentation, or willful nondisclosure.

When a claimant receives a back pay award, the back pay constitutes wages for the period for which the pay was awarded. The claimant is not liable for any unemployment benefits paid for the same period if the back pay award was reduced by the amount of the benefits. Within 30 days of the award, the employer must report to the department the amount by which the back pay award was reduced and must pay the department an amount equal to the reduction.

A claimant who fails to repay an overpayment assessment and does not arrange repayment terms will be assessed an interest penalty of 1 percent per month on the outstanding balance. If the overpayment resulted from misrepresentation, the interest penalty will be assessed immediately. For other overpayments, interest will begin accruing after two or more payments have been missed. Money collected from the interest penalty must be used to fund the department's detection and recovery of overpayments and collection activities.

Service of notices to withhold and deliver the property of an employer who has a tax liability may be served by certified mail, return receipt requested.

Voluntary Combined Reporting for Agricultural Employers.

The implementation date for voluntary combined reporting for agricultural employers who report to the Employment Security Department, the Department of Labor and Industries, the Department of Licensing, and the Department of Revenue is changed to January 1, 1992.

Votes on Final Passage:

House	89	0	
Senate	46	0	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	47	0	
House	97	0	

Effective: June 7, 1990
March 28, 1990 (Section 1)
July 1, 1990 (Sections 2, 3 and 6 – 9)

HB 2429

C 235 L 90

By Representatives R. Meyers and Scott

Establishing penalties for attempts by vessel operators to elude pursuing law enforcement vessels.

House Committee on Fisheries & Wildlife
Senate Committee on Environment & Natural Resources

Background: Certain acts by operators of motor vehicles are declared unlawful. One such act is attempting to elude a pursuing police vehicle. If a driver is given a signal to stop by a uniformed officer, the driver must stop his or her vehicle. Failure to stop can result in prosecution for a gross misdemeanor, which is punishable by not more than one year in the county jail or a maximum fine of $5,000 or both. If the driver fails to stop and operates the vehicle in a reckless manner, the driver can be prosecuted for a class C felony. Class C felonies are punishable by a maximum of five years in prison or a fine of $10,000 or both.

No similar prohibition exists for vessel operators that fail to stop when directed to do so by a law enforcement officer.

Summary: A vessel operator who fails to stop when directed to do so by a law enforcement officer is guilty of a gross misdemeanor. A vessel operator who fails to stop when signaled to do so and operates the vessel in a reckless manner in attempting to elude law enforcement personnel is guilty of a class C felony.

The officer can give the signal to stop by hand, voice, or emergency light or siren. The officer and the vessel must be appropriately marked as official law enforcement.

Votes on Final Passage:

House 98 0
Senate 39 5

Effective: June 7, 1990

SHB 2430

C 239 L 90

By Committee on Commerce & Labor (originally sponsored by Representatives P. King, Vekich, Walker, Prentice, Winsley, Jones and Kremen; by request of Attorney General)

Revising provisions for motor vehicle warranties.

House Committee on Commerce & Labor
Senate Committee on Economic Development & Labor

Background: In 1987, the Legislature made substantial changes in the law governing enforcement of warranties on new motor vehicles (the lemon law). The lemon law specifically exempts from its coverage motorcycles, larger trucks, and vehicles purchased or leased by a business as part of a fleet of 10 or more vehicles.

The lemon law provides that if a manufacturer or new motor vehicle dealer is unable to conform the vehicle to the warranty by repairing or correcting any nonconformity after a reasonable number of attempts, the consumer may elect to receive a replacement vehicle or to have the manufacturer or dealer repurchase the vehicle. In the case of a replacement, the consumer must pay the manufacturer an amount as a reasonable offset for use. In the case of a repurchase, the manufacturer must refund the purchase price, all collateral charges, and incidental costs, less a reasonable offset for use. The reasonable offset for use is computed by multiplying the number of miles on the vehicle that are attributable to use by the consumer times the purchase price, and dividing the product by 100,000.

Washington motor vehicle warranty law also provides limited regulation of motor vehicle service contracts. Every motor vehicle service contract must be backed by a reimbursement insurance policy issued by an insurer authorized to do business in Washington. The policy is intended to cover the obligations of a provider of contracts that promise repair or replacement services for the operational or structural failure of a motor vehicle. The policy must pay these obligations if the provider is unable to perform under the contract. Since the enactment of the statute, the Consumers Indemnity Company, a service contract reimbursement insurer, has become insolvent.

Information obtained in the process of resolving the Consumers Indemnity insolvency revealed problems in the management of funds paid by consumers for the services promised under the service contracts. In that case, very little of the money collected went to pay for the statutorily required reimbursement policy. The bulk of the funds were distributed to sellers of the contracts and to contract administration.

Summary: New motorcycles that have an engine displacement of at least 750 cubic centimeters are covered by the new motor vehicle warranty law (the lemon law.)

The reasonable offset for use for a motorcycle is computed by multiplying the number of miles that the vehicle traveled before repurchase or replacement times the purchase price, and dividing the product by 25,000.

The definition of "manufacturer" is amended to exclude any person who is engaged in the business of set-up of motorcycles as an agent of a new motor vehicle dealer and who does not otherwise construct or assemble motorcycles.

The motor vehicle service contract statute is amended to require that the reimbursement insurance policy covering the obligations of the service contract provider insure all liabilities under the contract whether or not the provider is able to meet the contract obligations.

Every motor vehicle service contract must contain a disclosure statement that must be initialed by the contract purchaser at the time of sale. The contract must contain a disclosure of any material conditions for receiving benefits, of the work and parts covered by the contract, of any time or mileage limitations, of the provider's warranty of merchantability, of coverage exclusions, and of the purchaser's right to return the contract for a refund.

Every motor vehicle service contract provider must allow the purchaser to return the contract within 30 days of purchase for a full refund. If the contract is returned after 10 days of sale, the provider may charge a cancellation fee of up to $25. If a refund is not made within 30 days of the return of the contract a penalty of 10 percent of the contract price is imposed. If the contract is returned, the contract is void from the beginning and the parties are in the same position as they would have been if no contract had been issued.

Contracts sold by manufacturers and import distributors covering vehicles manufactured or imported

by the contract seller are exempt from the reimbursement insurance policy provisions.

Votes on Final Passage:

House	90	2	
Senate	49	0	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	48	0	
House	97	0	

Effective: June 7, 1990
January 1, 1990 (Sections 2 – 10)

HB 2438

C 68 L 90

By Representatives Sprenkle, Holland, Jacobsen, Anderson, Valle, Miller and Ferguson

Providing reimbursement to state library employees injured while working in state correctional institutions and offices.

House Committee on State Government
House Committee on Appropriations
Senate Committee on Law & Justice

Background: Employee Assault Reimbursement Program. In 1984, the Legislature created a supplementary program to reimburse employees of state correctional institutions who miss work as a result of being victims of offender assaults. In 1986 and 1987, the Legislature expanded the program to cover institutional care employees of the Department of Social and Health Services and the Department of Veteran's Affairs.

Reimbursement may be made under this program only if the agency director believes the employee's absence from work is justified. In addition, the agency head must find that: the employee was assaulted and received injuries requiring the employee to miss work, and the assault was not a result of the employee's negligence, misconduct, or failure to comply with the conditions or rules of employment.

The following guidelines apply to the supplementary reimbursement:

1) For each workday missed when the employee was not covered by worker's compensation, the employee receives full pay;

2) If the employee receives worker's compensation, the employee receives the difference between worker's compensation payment and his or her usual pay;

3) The employee is not required to use his or her sick leave for workdays missed; and

4) Reimbursement may not last longer than one year from the date of the injury.

All reimbursements under the program are made by the employing agency, consistent with the manner in which the agency would pay the employee's salary and wages.

State Library. The State Library, through its Institutional Library Services Division, operates libraries in nearly 40 state institutions. Thirty–two librarians provide service to state correctional facilities, mental health facilities, state hospitals, and veteran's hospitals. In the past 15 years, there have been nine instances of assault on a state librarian by an offender or resident of a state institution.

Employees of the state library are not covered under the supplemental reimbursement program for institutional care and corrections employees.

Summary: The supplemental reimbursement program for employees who are assaulted on the job, covering institutional care employees of the Department of Social and Health Services and the Department of Veteran's Affairs and employees in state correctional facilities, is extended to cover employees of the state library who are assaulted by an offender or resident.

"Resident" is defined as a resident of a state institution.

Votes on Final Passage:

House	98	0
Senate	47	0

Effective: June 7, 1990

HB 2441

C 86 L 90

By Representatives Jacobsen, Miller, Rector, Van Luven, Dellwo, Spanel, Anderson, Pruitt, Wood, Doty and Ferguson

Convening a task force on disabled students in higher education.

House Committee on Higher Education
House Committee on Appropriations
Senate Committee on Higher Education

Background: Students with disabilities are protected against discrimination at institutions of higher education under state and federal laws. The primary source of institutional responsibility to these students is Section 504 of the Federal Rehabilitation Act of 1973. The key language provides:

No otherwise qualified handicapped individual...shall, solely by reason of his handicap be

excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

The provisions apply to academic programs, housing, financial aid, athletics, facility access, and other programs and activities, if the college or university receives any federal aid.

There are two major state laws affecting students with disabilities. These include the law against discrimination in public accommodations, and the state building code. Under these laws, public colleges and universities must provide reasonable accommodation to students with disabilities.

Accommodation can take many forms. However, no standards are in place to define reasonable accommodations for students with disabilities. Therefore, the quality and scope of accommodations provided varies among institutions. According to a report from Central Washington University, this variance has resulted in students selecting institutions based on the level of disabled services provided, rather than on the quality of educational programs.

In 1987, an advisory committee to the Higher Education Coordinating Board recommended the establishment of a set of statewide standards on access and a policy for disabled students. The committee also recommended the implementation of a series of technical training workshops to address issues of access for students with disabilities.

Summary: The Governor's Committee on Disability Issues and Employment will convene a task force on students with disabilities in higher education. The task force will be composed of up to nine members representing students, institutions of higher education, and state agencies. The task force may convene technical advisory committees to assist and advise it.

The duties of the task force are outlined. The task force will make recommendations on the roles of state agencies, institutions of higher education, and students in ensuring that students with disabilities have an opportunity to obtain a higher education. The task force will also identify barriers to admission and retention, and recommend optimal methods of providing centralized and decentralized assistance to students and institutions.

The task force will identify publishers who are willing to provide textbooks on computer disks or on tape, and will recommend ways to encourage publishers to provide textbooks in a format accessible by students with disabilities. The task force will also review available funding sources for assisting students with disabilities, recommend methods to coordinate those sources, and identify funding gaps. In addition, the task force will recommend job descriptions for coordinators of disabled student services.

The task force will make a preliminary report to the Office of Financial Management by October 1, 1990. Findings and recommendations will be reported to the governor and the Legislature by December 1, 1990.

Specified state agencies, and institutions of higher education are directed to assist and advise the task force and the technical advisory committees upon request.

These provisions will expire on June 30, 1991.

Twelve thousand dollars is appropriated to the Governor's Committee on Disability Issues and Employment for purposes of this act.

Votes on Final Passage:

House	97	0
Senate	46	0

Effective: March 19, 1990

2SHB 2443

PARTIAL VETO

C 282 L 90

By Committee on Appropriations (originally sponsored by Representatives O'Brien, Jacobsen, Prince, Anderson, Heavey, Crane, Valle, Winsley, Moyer, P. King, Todd, Day, Rector, Wood, Wineberry and R. King)

Establishing the Warren G. Magnuson institute for biomedical research and health professions training.

House Committee on Higher Education
House Committee on Appropriations
Senate Committee on Higher Education and Ways & Means

Background: Warren Grant Magnuson represented the citizens of Washington in the United States Congress for over 44 years. During that time, he was instrumental in the passage of legislation that established the National Cancer Institute, the National Institute of Health, the National Health Service Corps, the Fred Hutchinson Cancer Center in Seattle, and the Veterinary Medicine Center at Washington State University. Senator Magnuson was also instrumental in securing substantial amounts of funding for research in the health sciences.

In 1973, Warren Magnuson received the prestigious Albert Lasker Public Service and Health Award for his efforts to improve this country's system of health care. He was awarded the Washington State Medal of

Merit in 1987. In recognition of his many accomplishments, and in gratitude for his many years of assistance, the Health Sciences Center at the University of Washington is named in honor of Senator Magnuson.

Summary: The Warren G. Magnuson Institute for Biomedical Research and Health Professions Training is established. The institute will be located within the Warren G. Magnuson Health Center at the University of Washington. The institute will be administered by the university. Funding for the institute may be provided through a combination of federal, state, and private funds, including the earnings on the university's endowment fund.

The primary purpose of the institute is to provide support to one or more individuals engaged in diabetes research. The secondary purpose is to provide assistance to graduate and postgraduate students in the health professions at the university. Other purposes of the institute include the support of biomedical research in Parkinson's disease, osteoporosis, or any disease or disorder in which achieving a significant result in the near term is especially promising.

The Warren G. Magnuson Institute Trust Fund is created. The fund will be administered by the state treasurer. Appropriated money will be deposited in the trust fund and invested by the treasurer. The treasurer will release $500,000 from the trust fund to the University of Washington when the university can match the funds with private cash donations of twice that amount. Private donations are defined as moneys from nonstate sources, including federal funds and assessments by commodity commissions. No appropriation is necessary for expenditures from the trust fund.

Once the private donations and state matching grants are received by the university, the money will be deposited in the university's local endowment fund. The university will invest moneys in the endowment fund, and may augment them with additional private donations. The principal of the endowment fund must not be expended.

The earnings on the endowment fund must be used to support the institute. Earnings on the first $750,000 must be used to support one or more individuals engaged in diabetes research. Earnings on the next $250,000 must be used to provide financial assistance to University of Washington students in graduate and postgraduate programs in the health professions. At least one student will be in a career pathway preparing for diabetes research. Earnings on additional funds can be used for any purpose of the institute.

The bill is null and void if funding is not provided in the supplemental omnibus appropriations act by June 30, 1990.

Votes on Final Passage:

House	92	0	
Senate	49	0	(Senate amended)
House	95	0	(House concurred)

Effective: June 7, 1990

Partial Veto Summary: The governor vetoed the section that makes the legislation null and void if funding for the institute is not provided in the Supplemental Omnibus Appropriations Act by June 30, 1990. (See VETO MESSAGE)

HB 2445

C 174 L 90

By Representatives Winsley, Leonard, Wood and Miller

Requiring notice of any conditional use permits applicable to a mobile home park in mobile home park rental agreements.

House Committee on Housing
Senate Committee on Economic Development & Labor

Background: The Mobile Home Landlord–Tenant Act requires a landlord that offers a mobile home lot for rent to provide the tenant a written rental agreement. This agreement must be signed by the landlord and tenant and must contain specific items that include: 1) the terms for the payment of rent, 2) the rules and regulations of the park, 3) a covenant by the landlord that the mobile home park will not be converted to a land use that will prevent the rented space from being used by the tenant for a three year period, and 4) the current zoning of the land on which the mobile home park is located.

Local governments may allow the development of a temporary land use that is not compatible with existing land uses through the issuance of a conditional or temporary use permit. The process allows the owner of the property to use the property for an agreed upon period of time. Unless the conditional or temporary use permit is extended for an additional period, the existing land use must be stopped and the property may be used only for purposes authorized in the local government zoning code.

Mobile home parks have been developed using the conditional or temporary use permit process. With the exception of the covenant by the landlord that the mobile home space will not be converted for a three year period, landlords are not required to inform tenants that the use of the space for placement of a mobile home is subject to termination at a future date.

Summary: The written rental agreement between the landlord and the tenant for a mobile home park space must include an expiration date of any conditional or temporary use permit or other land use permit issued by a local government that has a fixed expiration date for continued use of the land as a mobile home park.

Votes on Final Passage:

House 96 0
Senate 47 0

Effective: June 7, 1990

SHB 2457

C 70 L 90

By Committee on Commerce & Labor (originally sponsored by Representatives Wolfe, Jones, R. King, Silver, Padden, Walker, Leonard, Tate, Cole, D. Sommers, Moyer and Winsley)

Regulating employment listing or employment information services.

House Committee on Commerce & Labor
Senate Committee on Economic Development & Labor

Background: Washington statutory law regulates the business of employment agencies. The law requires that employment agencies comply with regulations regarding recordkeeping, the form of contracts, licensing, bonding, fee amounts, time of collection, and other rules of conduct.

"Employment agency" is defined as any business in which any part of the business income is derived from a fee received from the applicants, and which engages in any of the following activities: the offering, promising, procuring, or attempting to procure employment for applicants; or the giving of information regarding where and from whom employment may be obtained. In addition, "employment agency," with some specific exceptions, includes any person, bureau, organization, or school that, for profit and as one of its main objectives or purposes, offers to procure employment for any person who pays for its services and where the main object of the person paying is to secure employment. The definition of "employment agency" does not specifically include employment listing or employment referral services.

A person performing the services of an employment agency without a license may not bring a cause of action seeking relief for services rendered. Further, a person who pays a fee to an unlicensed employment agency for the performance of employment services has a cause of action against the employment agency and may recover treble damages plus reasonable attorney's fees and costs.

Summary: The definition of "employment agency" includes employment listing or employment referral services. It also includes any business that provides an individual with resumes, a list of names to whom the resumes may be sent, or preaddressed envelopes.

A person performing the services of an employment agency without holding a valid license must cease operations or immediately obtain a valid license. If the person continues to operate without a license, the director of the Department of Licensing or the attorney general has a cause of action for treble damages.

Votes on Final Passage:

House 94 0
Senate 46 0

Effective: June 7, 1990

HB 2461

C 94 L 90

By Representatives Van Luven, Heavey, Schmidt, Prentice, Haugen, Fraser, Brekke, Silver, May, Miller and P. King

Prohibiting the sale by public agencies of emergency vehicle equipment that may not be lawfully used.

House Committee on Transportation
Senate Committee on Transportation

Background: Under current law, no restrictions are placed on the sale or transfer by public agencies of emergency vehicle lighting equipment. However, under rules adopted by the Washington State Patrol, red, blue, and flashing white emergency lights may only be used on certain types of vehicles.

Some public agencies have sold such equipment at auctions to persons who may not lawfully use the equipment.

Summary: Public agencies may not sell or give emergency vehicle lighting equipment or other equipment to anyone who is not authorized to operate that equipment on the public streets and highways.

Votes on Final Passage:

House 98 0
Senate 48 0

Effective: June 7, 1990

SHB 2463

C 232 L 90

By Committee on State Government (originally sponsored by Representatives Van Luven, Morris, Silver, Anderson, Hankins, Winsley, Bowman, Beck, Jones, May, Wolfe and Miller)

Restricting release of vehicle registration records.

House Committee on State Government
Senate Committee on Transportation

Background: The name and address of a vehicle's owner is information that is available to members of the public from the Department of Licensing, county auditor, or other agent of the department. A request for the information must be in written form and signed by the requestor. The request is a public record available for public inspection and copying. The disclosing agency must send the affected vehicle owner a notice that the request has been honored and list the name and address of the person who requested the information. These restrictions regarding disclosure do not apply to persons who routinely request vehicle registration information for use in the course of their business or occupation.

The public disclosure laws prohibit a public agency from providing access to lists of individuals that are requested for commercial purposes unless the agency is expressly authorized by law to do so. The motor vehicle laws authorize the Department of Licensing to furnish lists of owners of motor vehicles to manufacturers of motor vehicles for satisfying provisions of federal law regarding safety related defects; government agencies for law enforcement or traffic safety purposes; or a business, for certain purposes, if the business regularly makes loans to other persons to finance the purchase of motor vehicles.

Summary: Disclosure of Vehicle Owner Information. The Department of Licensing, a county auditor, or an agent of the department may continue to release the names or addresses of vehicle owners to governmental entities and to persons expressly authorized by the motor vehicle laws to receive such information. However, this information may be released to other persons only under the following circumstances: the requesting party is a business that requests the information for use in the course of business; the request is a written request, signed by the requestor, identifying the name and address of the requesting party and the purposes for which the information will be used; and the requesting party enters into a disclosure agreement with the department promising to use the information only for the purposes stated and not for any unsolicited business contact. The disclosing entity must retain the request for three years.

Whenever the department or its agent discloses such information to an attorney or private investigator, it must notify the vehicle owner regarding the disclosure and identify the name and address of the requesting party.

Penalties. The department may review the activities of a person who receives vehicle record information to ensure compliance with limitations on its use. It may suspend a person's access to such information for up to five years if the person violates the public disclosure laws or a disclosure agreement with the department. The following are declared to be gross misdemeanors: unauthorized disclosure of information from a department vehicle record; use of a false representation to obtain information; use of information for a purpose other than stated in a request or under an agreement with the department; or the sale or other distribution of a vehicle owner's name or address to another person not disclosed in the request or agreement.

Votes on Final Passage:

House	95	0	
Senate	47	0	(Senate amended)
House	92	0	(House concurred)

Effective: June 7, 1990

HB 2469

C 160 L 90

By Representatives Braddock and Prentice

Regarding limited medical licenses for University of Washington programs.

House Committee on Health Care
Senate Committee on Health & Long-Term Care

Background: The Board of Medical Examiners may issue, without examination, a limited license to practice medicine in Washington to a physician participating in a fellowship program. The physician must have graduated from a recognized medical school and be licensed in his or her place of origin. The license is limited to practice in connection with the fellowship program and may be renewed by the board for up to two calendar years, commencing January 1. However, fellowship programs generally commence mid-year within an academic year, and a licensure renewal issued on a calendar year basis may not coincide with the fellowship program.

Summary: The limited license of a physician participating in a fellowship program in this state may be renewed from the date of the initial license to coincide with the duration of the fellowship program, but for no more than a total of two years.

Votes on Final Passage:

House	97	0
Senate	47	0

Effective: June 7, 1990

HB 2473

C 194 L 90

By Representatives Rayburn, Smith, Nealey, Chandler, Baugher, Prince and Kirby

Revising provisions for the subdivision of land that is in whole or in part within an irrigation district and that has been previously platted by the United States.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: State law prohibits the legislative authority of a city, town, or county from approving a short plat or plat for a division of land that lies, in whole or in part, within an irrigation district unless irrigation water rights-of-way are provided for each parcel in the division. The installation of irrigation water distribution facilities may also be required in certain instances.

Various provisions of the state's irrigation district laws provide procedures and policies for districts containing 200,000 acres of land or more that are different than those provided for smaller districts.

Summary: The legislative authority of a city, town, or county may not approve a plat or short plat for a division of land that is in an irrigation district of 200,000 acres or more unless the division is approved by the irrigation district and the administrator of the Bureau of Reclamation project within which the district lies. This restriction applies only if the land has been previously platted by the United States as a farm unit in the district.

Votes on Final Passage:

House	98	0
Senate	40	0

Effective: June 7, 1990

HB 2475

C 242 L 90

By Representatives Ferguson, Haugen, Horn and Nutley

Limiting license fees and taxes that impact certain convention and trade facilities.

House Committee on Local Government
House Committee on Revenue
Senate Committee on Governmental Operations

Background: Over the years, various statutes have authorized all or certain categories of counties, cities and towns to impose a variety of excise taxes on hotel/motel room rental charges.

One of these statutes permits such a special excise tax of up to 3 percent to be imposed by a city incorporated before January 1, 1982, with a population of over 60,000, that is located in a county with a population of over one million, other than the city of Seattle, i.e., Bellevue. The proceeds from this excise tax may only be used for the acquisition, design, and construction of convention and trade facilities, or the retirement of debt issued for such facilities.

Summary: The permissible uses of the proceeds from the 3 percent special excise tax that Bellevue is authorized to impose on hotel/motel room rental charges are expanded to include both marketing such facilities, and maintenance and operation of such facilities, if done as a part of a budget providing for both debt service and marketing for such facilities.

Votes on Final Passage:

House	88	3	
Senate	46	1	(Senate amended)
House	93	1	(House concurred)

Effective: June 7, 1990

SHB 2476

C 205 L 90

By Committee on Capital Facilities & Financing (originally sponsored by Representatives Horn, Haugen, Nutley, Ferguson and May)

Establishing a formula for allocating the indebtedness incurred by certain lessees.

House Committee on Local Government
House Committee on Capital Facilities & Financing
Senate Committee on Ways & Means

Background: Most states have limitations on the level of indebtedness that local governments may incur.

These limitations are on the general indebtedness of the local government and do not include certain types of revenue indebtedness. The appellate courts of different states have taken different positions on whether certain financial actions by local governments are subject to indebtedness limitations, such as leases ending in acquisition of the leased facility or purchases made with payments over time. No case law exists in this state addressing the issue of how to classify such debt.

Our state constitution restricts the ability of a city or town to incur general indebtedness exceeding one and one–half percent of the taxable property within its boundaries. However, with a 60 percent majority vote at an election on a debt proposition, a city or town is permitted to incur a total general indebtedness of up to 5 percent of the taxable property within its boundaries.

A statute reduces the constitutional debt limits by 50 percent, so that a city or town can incur general indebtedness without voter approval up to an amount not exceeding three quarters of one percent of the taxable property within its boundaries; but with a 60 percent majority vote, is permitted to incur a total indebtedness of up to two and one half percent.

Another statute limits the amount of lease obligations that cities and towns can incur, so that the annual amount of such lease payments, together with other indebtedness, cannot result in a total indebtedness in excess of one and one half percent of the taxable property in the city or town. It appears that both normal leases, which probably are not debt, and leases ending in an acquisition of the leased facility, are included under this limitation.

Summary: The statute authorizing cities and towns to incur a limited amount of lease obligations is rewritten to provide that only a lease financing the acquisition of property by the city or town is subject to the higher statutory indebtedness limitation of one and one half percent. The value of such a lease, for purposes of calculating this indebtedness limitation, is that portion of the lease payments allocable to the principal aggregated over the term of the lease, with the portion of the payments allocable to interest not being included.

Votes on Final Passage:

House	96	0
Senate	48	0

Effective: June 7, 1990

SHB 2482

C 115 L 90

By Committee on Environmental Affairs (originally sponsored by Representatives G. Fisher, Miller, Rust, Holland, Wineberry and May; by request of Governor Gardner)

Restructuring the Puget Sound Water Quality Authority.

House Committee on Environmental Affairs
Senate Committee on Environment & Natural Resources

Background: The Puget Sound Water Quality Authority (authority) was created in 1985 following the submission of a report identifying a lack of coordination among agencies as a major obstacle to restoring and maintaining the quality of Puget Sound waters.

The authority is composed of seven citizen members, appointed by the governor and subject to Senate confirmation. The director of the Department of Ecology and the commissioner of Public Lands are non–voting members. The chair of the authority, appointed by the governor from among the members, also serves as a full–time director of the authority's staff.

The principal responsibilities of the authority are: preparation and adoption of a comprehensive water quality management plan for Puget Sound; preparation of a biennial "State of the Sound" report; review of the budgets and regulatory activities of state agencies with Puget Sound water quality responsibilities; review of state and local agencies' progress in implementing the comprehensive plan; and review of and participation in major actions of state and local agencies that affect the plan's implementation.

Under existing law, the authority and its responsibilities expire on June 30, 1991.

In the fall of 1989, the Legislative Budget Committee and an advisory group created by the governor conducted independent reviews of the authority to determine if the authority should continue, and if so, in what form. The findings and recommendations of the Legislative Budget Committee and the governor's advisory group are very similar. Both entities concluded that the authority is fulfilling its statutory mandate and that the authority should be continued with some structural and operational changes.

Summary: The number of voting members on the authority is increased from seven to 11. The governor is to appoint two new members. The director of the Department of Ecology and the commissioner of Public Lands, previously non–voting members, are voting

members. The director of Ecology is the chair of the authority.

The governor must appoint an executive director to the authority. The executive director is to handle the staffing and administrative functions previously held by the chair. The executive director may not be a member of the authority. The authority remains an independent agency and is to be relocated to Olympia as space becomes available. At such time, the Department of General Administration must house the authority's staff with the Department of Ecology.

The authority must submit progress reports on plan implementation and revisions to the governor and Legislature on an annual, rather than quarterly, basis. The authority must review its plan every four years instead of every two years. The authority's plan must include a strategy for implementing the plan.

State agencies and local governments must implement the plan if appropriated funds or other fund sources are available. The governor's budget document must identify all direct expenditures to implement the plan.

Prior to adopting rules to implement an element of the plan, agencies must consider specified factors and ensure the participation of interested persons of all geographic areas affected by the proposed rule.

A public non–profit corporation to be known as the Puget Sound Foundation is created. The foundation will be a state entity authorized to collect private money for the purpose of funding Puget Sound related education and research. The foundation will host an annual meeting focusing on issues relating to implementing the authority's plan.

The authority is required to implement an ambient monitoring program that includes developing baseline data, examining differences among Puget Sound areas, and other specified activities. An interagency coordinating committee may be formed to implement the monitoring program. State agencies identified in the authority's plan must participate in the program.

Before adoption of the plan or a plan revision, the authority is required to publish a summary in the State Register and allow public comment. If a substantial modification is made to the proposal, the authority must publish the modification and reopen public comment.

The termination date of the authority is extended to June 30, 1995. The authority will undergo a formal sunset review prior to that time. The termination date does not affect the authority's plan nor the implementation of the plan.

Votes on Final Passage:

House	95	3	
Senate	33	15	(Senate amended)
House	94	2	(House concurred)

Effective: June 7, 1990

HB 2485

C 209 L 90

By Representatives Rector, Vekich, Prentice, Leonard, Jones and Dellwo

Qualifying as a self–insurer of industrial insurance.

House Committee on Commerce & Labor
Senate Committee on Economic Development & Labor

Background: Qualified employers are allowed to self–insure their workers' compensation programs. To obtain certification as a self–insurer, an employer must establish to the director of the Department of Labor and Industries' satisfaction that the employer has sufficient financial resources to meet all present and future obligations under the industrial insurance law. The department may also require a self–insurer to supplement its financial ability by depositing cash, securities, or a surety bond in an escrow account.

Information contained in industrial insurance claim files is confidential. Specific exemptions to the confidentiality requirement are provided for treating physicians, the worker's employer, and department personnel. The injured worker may receive information from the file only through an authorized representative.

Summary: Beginning January 1, 1991, qualified self–insurers may choose the option of depositing an irrevocable letter of credit to guarantee their future ability to meet industrial insurance obligations. The issuer of the letter of credit must be a state or federally chartered bank authorized to do business in Washington. To qualify for the letter of credit option, self–insurers must have a net worth of not less than $500 million and meet any requirements adopted by the Department of Labor and Industries. The option is not available to self–insurers who are public employers.

Injured workers may review their claim files if the director determines, pursuant to criteria in department rules, that the review is in the claimant's interest.

Votes on Final Passage:

House	98	0
Senate	46	0

Effective: June 7, 1990
January 1, 1991 (Section 1)

HB 2492

C 182 L 90

By Representatives Appelwick, Van Luven, Ferguson, H. Sommers, Leonard, Crane, Miller, O'Brien, Cole, May, Anderson, Betrozoff, Wineberry and P. King

Authorizing the appointment of district court judges as pro tempore judges in cities over 400,000 population.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The law allows for the appointment of temporary (pro tem) judges to handle excess caseloads. Various restrictions and qualifications apply to the appointment of pro tems. A pro tem in Seattle municipal court must be, among other things, an attorney who resides in Seattle.

There has been an ongoing effort in King County to coordinate caseloads between county district courts and Seattle municipal court. One of the measures that has been suggested is the use of district court judges as pro tems in municipal court. However, unless a King County district court judge happens to be a resident of Seattle he or she cannot serve as a pro tem in Seattle municipal court.

Summary: A full-time district court judge in a county with a city of over 400,000 population may serve as a pro tem judge in that city's municipal court, whether or not the judge resides in the city.

Votes on Final Passage:

House	97	0
Senate	47	0

Effective: June 7, 1990

2SHB 2494

C 116 L 90

By Committee on Appropriations (originally sponsored by Representatives Rust, Phillips, Schoon, Pruitt, D. Sommers, Todd, Miller, G. Fisher, Valle, Brekke, Walker, Jacobsen, Sprenkle, Fraser, Anderson, Hargrove, Prentice, Van Luven, Winsley, R. Fisher, Wood, Wineberry, Jones, Dellwo, May, R. King, Kremen, P. King, Haugen, Wang, Crane, Hine, Spanel and Rasmussen)

Changing provisions relating to oil and hazardous substance spills.

House Committee on Environmental Affairs
House Committee on Appropriations
Senate Committee on Environment & Natural Resources and Ways & Means

Background: Washington has had laws specifically governing the discharge of oil into state waters since at least 1969. Even prior to that time, the state prohibited the discharge of polluting substances into the state's waters. The federal government has also enacted a number of measures that govern the discharge of oil and other substances into the water.

State law makes it illegal for any person to pollute state waters. A person who pollutes state waters may be subject to both criminal and civil penalties. The person is also liable for any damage to the environment, including the cost of restoring damaged natural resources and the lost value of those resources until they are restored.

With respect to pollution caused by the discharge of oil into state waters, additional regulatory and liability provisions apply. It is unlawful for any person to allow oil to enter state waters regardless of the cause. The only exceptions are if the discharge is authorized by the Department of Ecology or under operation of law, or if the spill is caused by an act of war or by the negligence of the United States or Washington state.

Under federal law, the Coast Guard has responsibility for marine safety and for responding to spills on the navigable waters of the United States. The Department of Ecology is the Washington state agency responsible for taking actions necessary to contain and clean up any spilled oil.

A person who spills oil in Washington waters and fails to immediately collect the oil is responsible for the state's expenses in cleaning up the spill. The state imposes strict liability for damages on the person owning the oil or having control over the oil. Strict liability may be avoided if the person can demonstrate that the spill was caused by an act of war or by negligence on the part of the state or the United States. There are no statutory provisions governing the liability of individuals who respond to a spill.

A person who spills oil is liable for a civil penalty of up to $20,000 each day that the spill poses a risk to the environment. If the spill was caused by willful or reckless conduct, the penalty may be up to $100,000 for each day that the risk continues.

The department has authority to enter public or private property to investigate unlawful discharges of oil into state waters.

Any person who spills oil into state waters is required to notify the department in Olympia or at a regional office.

In 1975, Washington state enacted measures to regulate the size and design of oil tankers that enter Puget Sound. That legislation also required tug escorts and Washington state licensed pilots for certain tankers. The United States Supreme Court held that certain provisions of the Washington statute relating to pilotage and tug escorts could be enforced by the state. The court held, however, that a provision prohibiting tankers over a certain size into Puget Sound exceeded the state's authority and was unenforceable. Likewise, the court held that the state could not impose design requirements on tankers entering Puget Sound. Congress has enacted a statute and the Coast Guard has issued a rule prohibiting tankers of over 125,000 deadweight tons from entering Puget Sound.

An oil tanker of 40,000 deadweight tons or greater is required to take on a pilot before entering Puget Sound. Tankers of over 50,000 tons that do not have twin screws, double bottoms, and double radar are required, in addition, to have a tug escort when they enter Puget Sound.

The state Board of Pilotage Commissioners is responsible for licensing pilots in Washington state waters. The board sets standards for testing and may fine, suspend, or revoke the license of a pilot who violates board rules or causes an accident resulting in damage to or loss of a vessel. A pilot who is found to have been under the influence of drugs or alcohol while on duty may have his or her license suspended on an emergency basis pending final determination by the board of the appropriate sanction.

Any vessel of over 300 tons that carries petroleum products in Washington state waters is required to have evidence of financial responsibility to pay for the state's costs in removal of an oil spill and for civil penalties and damage to the environment. The evidence of financial responsibility must be the greater of $1 million or $150 per gross ton of the vessel.

Summary: Operators of tankers and barges carrying oil in bulk, cargo and passenger vessels of 300 gross tons or greater, and oil processing and storage facilities located near navigable waters are required to prepare and submit to the Department of Ecology plans for the prevention, containment, and cleanup of oil spills.

The Department of Ecology must adopt rules for the plans by July 1, 1991. Rules for vessels operating on the Columbia River must be adopted by July 1, 1992. The rules must require the plans to: include details on the method of response to a spill; be designed to adequately respond to spills of significant size and limit damage to the environment; include early detection procedures and notification to governmental authorities; state the experience and number of personnel assigned to respond; provide for periodic training and practice exercises; provide for the use of qualified cleanup personnel; and include a description of measures undertaken to reduce the likelihood that a spill will occur.

Facilities capable of storing more than one million gallons of oil and tank vessels of over 20,000 deadweight tons must submit their plans within six months after the rules are adopted. Other facilities must submit their plans within 18 months after the rules are adopted. A facility may submit plans for vessels that stop at that facility and may submit a single plan for a class of vessels. The owner or operator of a vessel and the shipping agent may submit a plan for a cargo or passenger vessel that must submit a plan. A single plan may be submitted for more than one vessel. A person providing cleanup services may submit a plan for facilities and vessels for which the person is providing those services.

The department will approve plans that have adequate personnel, equipment, notification procedures, and logistical arrangements. In reviewing plans, the department must consider the nature of vessel traffic and the amount of oil and hazardous substances transported in the area covered by a plan, navigational hazards, prior history of spills in the area, and the sensitivity of the environment. Plans must be reviewed and updated at least once every five years. The department will publish an index of approved contingency plans and an inventory of available spill containment and cleanup equipment.

To determine the adequacy of the plans, the department must require annual practice drills of those providing cleanup services. The department must prepare a report summarizing the results of these drills.

Plans approved by the department are binding on the persons submitting them. The department may obtain court orders to enforce the plans. Approval of a plan by the department does not guarantee the adequacy of the plan and is not a defense against liability for damages caused by a spill.

A person failing to submit a plan or operating a facility without an approved plan is subject to both civil and criminal penalties. Operating a facility, vessel, or ship without a required plan constitutes a gross misdemeanor for a first offense and a class C felony for a second offense. A person operating a facility without a plan, or accepting cargo or passengers from a vessel without a plan, is also subject to a fine of up

to $100,000 for each day in violation. The Department of Licensing may revoke the business license of a facility operating without a plan. A facility may rely on a statement of coverage that is provided by the Department of Ecology to establish that the vessel has an approved plan.

By July 1, 1991, the Department of Ecology is required to prepare a state-wide plan for the prevention of oil and hazardous substance spills. The plan will be prepared with the assistance of an advisory committee representing industry, local government, and environmental organizations. The department and advisory committee, in preparing the state-wide plan, shall consider the plans developed for individual facilities and vessels. The state-wide plan must state the responsibilities of the various individuals, organizations, companies, and governments responsible for responding to spills; identify actions necessary to reduce the likelihood of a spill; and identify sensitive areas. The plan must be submitted for public review and comment before adoption, be updated and submitted to the appropriate committees of the Legislature annually, and include provision for practice drills.

The department is directed to establish standards for persons who contract to provide cleanup and containment services. The standards will include requirements for the quality and quantity of equipment and personnel to be provided by the contractor.

The Department of Wildlife, together with the departments of Ecology, Fisheries, and Natural Resources, is directed to study and report to the Legislature on current efforts for collecting baseline environmental data for sensitive areas.

The Washington Wildlife Rescue Coalition is established. The coalition has representatives from the departments of Wildlife, Ecology, and Community Development, in addition to representatives from counties and the public. The coalition is directed to: develop a plan for rescue and rehabilitation of wildlife injured as a result of an oil or hazardous substance spill; maintain a resource directory; provide training; and maintain equipment. Funds for the coalition may be provided from the coastal protection fund.

The Department of Ecology is directed to develop a policy regarding the use of chemical agents, including coagulants, dispersants, and bioremediation, in response to an oil spill and a policy on the disposal of oil and hazardous substances collected from a spill.

The Department of Ecology is directed to develop standards for the use of tow lines by barges carrying oil or hazardous substances and to develop a program for voluntary compliance with those standards. The department is also directed to study state authority to impose the standards and report the results of its study to the Legislature by July 1, 1991.

The defenses against liability for an oil spill are modified. It is unlawful to discharge oil into state waters without authorization. The person owning the oil or in control of the oil is strictly liable for damages, unless the person can show that the spill was caused solely by an act of war or God or the negligence of the state or of the United States. The changes to liability do not apply to causes of action filed prior to the effective date of the act.

The department is required to respond to, and take all actions necessary to respond to, a release or a threatened release of oil or hazardous substances. A person who unlawfully discharges oil into waters of the state is responsible for the necessary expenses incurred in responding to the discharge. In investigating violations or determining damages, the director may issue subpoenas for the production of records or witnesses.

A person who spills oil or hazardous substances into the water is required to first notify the Coast Guard and then the Division of Emergency Management at its toll-free number.

Immunity from liability for necessary expenses and property damage caused by a person responding to an oil spill is provided. The state, local governments, volunteers, and qualified cleanup contractors responding to a spill are liable only for damage caused by actions taken in bad faith or with gross negligence.

Tankers required to have tug escorts may not exceed the service speed of the tug.

In addition to other requirements for licensing as a vessel pilot in Washington, a person may not have been convicted of a drug or alcohol offense within the year prior to application for a license. The Board of Pilotage Commissioners must review the license of a pilot who is convicted of an offense involving drugs or the personal consumption of alcohol while on duty within the year prior to license review. The board must order treatment for the pilot. If the pilot does not complete treatment, the pilot's license must be suspended until treatment is completed. If the pilot has a second conviction in a five year period, the license may be suspended for up to one year.

The financial responsibility requirements imposed on vessels carrying oil as cargo are also required of inland barges carrying hazardous substances as cargo.

Votes on Final Passage:

House	98	0	
Senate	47	1	(Senate amended)
House	96	0	(House concurred)

Effective: June 7, 1990

HB 2503

C 80 L 90

By Representatives Vekich, Walker, R. King and Winsley; by request of Department of Labor and Industries

Allowing supplemental pension funds to be invested.

House Committee on Commerce & Labor
Senate Committee on Ways & Means

Background: The State Investment Board has statutory authority to invest certain industrial insurance trust funds: the accident fund, the medical aid fund, and the reserve fund. The supplemental pension fund is invested by the state treasurer's office.

Summary: The State Investment Board's authority to invest industrial insurance trust funds is amended to include the supplemental pension fund.

Votes on Final Passage:

House	97	0	
Senate	45	0	(Senate amended)
House	94	0	(House concurred)

Effective: March 15, 1990

SHB 2513

C 66 L 90

By Committee on Environmental Affairs (originally sponsored by Representatives Walker, Rust, D. Sommers, Fraser, G. Fisher, Pruitt, Phillips, Brekke, Betrozoff, Winsley, May, Ferguson and Wolfe)

Providing revenue generating authority to counties to fund roadside litter and illegal dumping.

House Committee on Environmental Affairs
Senate Committee on Environment & Natural Resources

Background: Most counties have not established formal litter programs for cleanup along county or city roads. Response to litter and illegal dumping problems is on an as–needed basis using road maintenance workers. Some local governments benefit from the work of local service organizations in litter cleanup activities.

The state Department of Corrections (DOC) has worked with the state Department of Transportation (DOT) and local non–profit organizations to develop litter cleanup programs for offenders sentenced to perform community service. An existing program in King County works as follows: 1) DOT contracts with DOC for litter cleanup along state and interstate highways; 2) DOC refers offenders sentenced with community service time to a non–profit organization; and 3) the non–profit organization runs the actual litter cleanup operation under contract with DOC.

Offenders convicted of felonies and misdemeanors, including some non–violent drug–related offenses, may be eligible for community service.

The Department of Ecology (Ecology) is the state agency responsible for administering the Model Litter Control Act and the Solid Waste Management Act. Ecology currently provides technical assistance and grants to local governments for a wide variety of litter and solid waste management activities.

Summary: The Department of Corrections shall assist cities and counties in establishing community service programs for litter cleanup. The programs must include procedures for documenting community service hours, plans to coordinate with local governments, provision of workers' compensation and safety equipment, and provisions to use felons and misdemeanants. The community service programs must involve persons convicted of non–violent drug related offenses.

The Department of Ecology is directed to provide grants to local governments to establish, operate, and evaluate community service litter clean up programs. The Department of Ecology must report on the effectiveness of these programs to the appropriate standing committee of the Legislature by December 31, 1991.

Votes on Final Passage:

House	93	0
Senate	48	0

Effective: June 7, 1990

SHB 2524

C 83 L 90

By Committee on Health Care (originally sponsored by Representatives Leonard, Day, Braddock, Crane and Dellwo; by request of Department of Health)

Continuing the board of pharmacy and modifying licensures.

House Committee on Health Care
Senate Committee on Health & Long–Term Care

Background: A sunset review of the Board of Pharmacy, conducted by the Legislative Budget Committee in 1989, recommended that the agency be continued.

The Legislative Budget Committee also recommended that the Interdepartmental Coordinating

Committee on Drug Misuse, Diversion, and Abuse be abolished.

Summary: The powers and duties of the State Board of Pharmacy are reauthorized.

The Interdepartmental Coordinating Committee is repealed.

Votes on Final Passage:

House	95	0
Senate	48	0

Effective: June 7, 1990

HB 2525

C 118 L 90

By Representatives Miller, Jacobsen, Nelson and May; by request of Washington Utilities and Transportation Commission

Limiting regulation of radio communications services.

House Committee on Energy & Utilities
Senate Committee on Energy & Utilities

Background: Radio communications service companies that provide cellular telecommunications and paging services, were deregulated by the Legislature in 1985. Because of the definitions used in the statute, radio communications services provided by regulated telecommunications companies not using a separate subsidiary remain regulated. This arrangement creates an unequal regulatory structure and needlessly adds to regulatory paperwork. It appears that the market for these services is competitive.

In some isolated instances, radios are used to link rural customers into local exchange telecommunications service. These instances are not likely a competitive situation.

Summary: With a limited exception, radio communications services, including those of regulated telecommunications companies, are deregulated. Radio communications services provided by a regulated telecommunications company that are the only voice grade, local exchange telecommunications service available to a customer of the company remain regulated.

Votes on Final Passage:

House	93	0	
Senate	46	0	(Senate amended)
House	92	0	(House concurred)

Effective: June 7, 1990

HB 2526

PARTIAL VETO

C 247 L 90

By Representatives Jacobsen, Miller, Nelson and May; by request of Washington Utilities and Transportation Commission

Revising provisions for registration of telecommunication companies.

House Committee on Energy & Utilities
Senate Committee on Energy & Utilities

Background: New telecommunications companies are required to register with the Utilities and Transportation Commission before beginning operations. Currently a company must be registered before it can petition to have its services classified as competitive. This requires two separate dockets to be maintained for what are usually routine proceedings. Allowing a company to apply for registration and petition for competitive classification at the same time would simplify paper flow and streamline the process.

An alternate operator services company is defined by statute as a company offering connections to intrastate or interstate telecommunications services from hotels, motels, hospitals, and customer–owned pay telephones. In 1988, the Legislature directed the Utilities and Transportation Commission to adopt rules requiring telecommunications companies operating as or contracting with an alternate operator services company to disclose to customers the provision of and rate for services provided by the alternate operator service.

Summary: A telecommunications company may petition for competitive classification at the same time it applies for registration. The commission may rule on both requests in the same proceeding.

Alternate operator service companies are required to register as telecommunications companies with the Utilities and Transportation Commission. The commission may adopt minimum standards for alternate operator services. The commission may deny an application if it determines that the services and charges proposed by the company are not for the public convenience or advantage. A company that does not register is subject to penalties. Acts in violation of the commission rules are a violation of the consumer protection act.

Votes on Final Passage:

House	97	0	
Senate	49	0	(Senate amended)
House	92	0	(House concurred)

Effective: June 7, 1990

Partial Veto Summary: The provision to co–file as a telecommunications company and to classify services as competitive is deleted because the provision is in another bill that was enacted. (See VETO MESSAGE)

HB 2527

C 48 L 90

By Representatives Jacobsen, Miller and Nelson; by request of Washington Utilities and Transportation Commission

Revising due dates for payment of regulatory fees.

House Committee on Energy & Utilities
Senate Committee on Energy & Utilities

Background: In 1989, the Utilities and Transportation Commission was given authority to set by rule dates for filing of annual reports by regulated public service companies. Public service companies are assessed a fee by the commission to cover the cost of regulation. Most companies pay their regulatory fees when they file their annual reports, but the statute still specifies payment by April 1 of each year. To ease administration, the commission would like to allow fees to be paid at the same time that annual reports are filed.

Summary: Regulatory fees owed by public service companies are due on the date the Utilities and Transportation Commission sets for filing annual reports.

Votes on Final Passage:

House	97	0
Senate	49	0

Effective: June 7, 1990

HB 2542

C 248 L 90

By Representatives Youngsman, Appelwick, Padden, Locke, Belcher, Doty, Silver, Nealey, Walker, Rector, Dellwo, Bowman, Horn, Rayburn, Miller, Fuhrman, Kremen, Ballard, May, Schoon, Forner, Wood, Tate, Brumsickle, Rasmussen, Cooper and Sprenkle

Forfeiting vehicles used in illegal transfers of controlled substances.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The controlled substances act allows the seizure of certain property used in connection with illegal drug transactions. Among the types of property that may be seized are "conveyances."

Conveyances include aircraft, vehicles, or vessels. Conveyances may be seized if they are used or intended for use in the illegal sale of drugs, or if they are used or intended for use in the sale of raw material or equipment that is used or intended for use in illegally making or delivering drugs.

Summary: Conveyances may be seized because of their use or intended use in violations of the controlled substances act, if the use is the delivery or receipt of drugs, raw material or equipment, as well as if the use is the sale of such items.

Votes on Final Passage:

House	94	0
Senate	47	0

Effective: June 7, 1990

HB 2546

C 170 L 90

By Representatives Phillips, Hankins, Nelson, May, R. Meyers, Miller, Jacobsen, Brooks, Todd, Anderson, Jesernig and Jones

Renewing the Washington telephone assistance program.

House Committee on Energy & Utilities
Senate Committee on Energy & Utilities

Background: Telephone costs have increased significantly, in part due to the AT&T divestiture that resulted in some long distance costs being transferred to local costs. State policy is that every home should be able to have a telephone, but local rates have become unaffordable for some low–income people. In 1987, the Legislature created an assistance program for low–income persons. The program provides discounted service connection fees and service deposit waivers. The Utilities and Transportation Commission establishes a discounted rate for participants. Participants in the assistance program must subscribe to the least expensive service offered by the local exchange company. In some cases, this is multi–party service. The program is funded by a surcharge, set by the commission, of not more than 16 cents per month on each subscriber access line in the state. Those eligible for the program are persons participating in certain programs administered by the Department of Social and Health Services. These include Aid to Families with Dependent Children, chore services, food stamps, and supplemental security income.

The program expires June 30, 1990.

Summary: The telephone assistance program is continued until June 30, 1993 with some changes. Low-income senior citizens 60 and older and low-income medically needy may obtain single party service under the program when this service is available. The surcharge imposed to pay for the program is changed to an excise tax and is lowered to 14 cents per month for each access line. Any adult recipient of department administered programs for the financially needy is eligible to participate in the telephone assistance program. The commission shall apply for any federal funds that may be available to pay for a portion of the program. The Department of Social and Health Services shall submit a report on the program to the House and Senate committees on Energy & Utilities in December of each year.

Votes on Final Passage:

House	97	0	
Senate	45	2	(Senate amended)
House	94	0	(House concurred)

Effective: June 7, 1990

HB 2555

C 197 L 90

By Representatives Rayburn, Nealey, McLean and Rasmussen; by request of Department of Agriculture

Repealing the Washington Animal Remedy Act.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: The Uniform Washington Food, Drug, and Cosmetic Act is administered by the Department of Agriculture. Among the substances comprehensively regulated under the act are articles used for food or drink for humans or animals and drugs intended to affect the structure or function of the body of a human or animal.

The Washington Animal Remedy Act is also administered by the director of Agriculture. This act regulates the registration, distribution, and sale of "livestock remedies," which include those for any animal under human control and adapted to human use or pleasure.

Summary: The Washington Animal Remedy Act is repealed.

Votes on Final Passage:

House	97	0	
Senate	43	5	(Senate amended)
House			(House refused to concur)
Senate	41	0	(Senate receded from amendments)

Effective: June 7, 1990

HB 2561

C 227 L 90

By Representatives P. King, Schoon and Crane; by request of Law Revision Commission

Changing provisions relating to replevin.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Under common law, replevin was an action for recovery of personal property. A replevin action permitted summary seizure of the property on behalf of a plaintiff claiming the right to possess the property. In the 1800s, the Territorial Legislature replaced the common law writ of replevin with a statutory "claim and delivery" procedure. The Washington courts continue to use "replevin" interchangeably with "claim and delivery" to describe an action for recovery of possession, value, or damages for personal property that has been taken or detained.

The replevin statutes have remained generally unchanged from 1854 until 1979. By 1979, decisions of the U.S. Supreme Court raised questions about the constitutionality of the claim and delivery procedure. The Legislature amended the summary claim procedure statutes to provide for a show cause hearing. The new show cause procedure requires that the defendant be given notice and an opportunity to be heard prior to the sheriff taking possession of the property under a court order.

Summary: Terminology and references remaining from the summary replevin procedure are modified and clarified.

Votes on Final Passage:

House	96	0
Senate	49	0

Effective: June 7, 1990

HB 2562

C 52 L 90

By Representatives P. King, Schoon and Crane; by request of Law Revision Commission

Updating the repeal of hospital commission statutes.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Under the Washington Sunset Act of 1977, the statutes concerning the Hospital Commission of the state of Washington will be repealed on June 30, 1990.

Summary: Technical corrections are made to the Hospital Commission repealer.

Votes on Final Passage:

House	96	0
Senate	49	0

Effective: June 7, 1990

HB 2567

C 60 L 90

By Representatives Todd, McLean, R. Fisher and Sprenkle; by request of Governor Gardner

Changing provisions relating to state employment.

House Committee on State Government
House Committee on Appropriations
Senate Committee on Ways & Means

Background: Administration and operation of the state's civil service system, covering more than 41,000 employees, is the responsibility of the Department of Personnel. The Higher Education Personnel Board oversees an additional 16,500 classified employees of institutions of higher education.

Exempt Employees. There are about 1,500 employees of state agencies (other than employees in higher education) who are exempt from the civil service system. A position can be designated exempt in two ways:

1) Statutory Exemptions. Twenty-six classes of employees are designated exempt in statute. These include employees of the legislative and judicial branches, directors of state agencies, and officers of the Washington State Patrol.

2) Executive Request Exemptions. The State Personnel Board may designate a position exempt at the request of the governor or other elective officials. Additional exemptions by request may not exceed 187 for the governor and 25 for elective officials.

Reversion Rights. Employees who accept appointments to exempt positions, or who hold classified positions that are later designated exempt, are given the right to revert to civil service status to the highest class of position they previously held. To retain this right, employees must revert to the civil service within four years of the exempt appointment. The State Personnel Board may extend the period for an additional four years. The same reversion rights also apply to employees classified under the Higher Education Personnel Board system.

Career Executives. The Career Executive Program was established in 1980 to recognize and foster excellence in managerial skills. Positions designated as "career executive" are filled with middle and upper level managers who then have opportunities for further management training and development offered by the program.

The program is limited by statute to not more than 1 percent of the total number of state civil service employees and currently has 340 participants.

Tied Scores. Statutory law limits the number of candidates, from which a state agency may select to fill an empty position, to the five candidates scoring highest on the employment test. If more than one applicant ties as the fifth candidate, a single applicant is chosen by lot. This method of reducing the number of candidates to five when there are tied test scores is used by both the Department of Personnel and the Higher Education Personnel Board.

Employee Advisory Service. The Employee Advisory Service (EAS) was established in the Department of Personnel in 1972 to assist employees whose personal problems are impairing their job performance. Employees either seek assistance voluntarily, or are referred by agency management due to poor job performance. In 1989, EAS offered information and referral, counseling, and manager training services to 4,000 state employees, including employees of the higher education personnel system. EAS is an agency program and has not been created in statute, nor are there administrative rules governing it in the Washington Administrative Code.

Summary: Exempt Employees. The list of statutorily exempt employees is expanded to include, in agencies of 50 or more employees: deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency head.

Reversion Rights. The four-year limit on the right of exempt employees to revert to classified status is eliminated under both the state personnel system and the higher education personnel system. If an employee

is fired for gross misconduct or malfeasance, that employee is denied the right of reversion.

Career Executives. The Career Executive Program is expanded from 1 to 2 percent of all state civil service employees.

Tied Scores. Under the state personnel system and the higher education personnel system, when more than one applicant for a vacancy has the fifth highest test score, the other applicants are also to be certified as candidates for the vacancy.

Employee Assistance Program. The Employee Assistance Program is created to provide support and services to state employees who have personal problems that impair their work performance. The director of Personnel is authorized to: administer and develop policies for the program; encourage and promote voluntary use of the program by employees; offer substance abuse prevention and awareness activities through the program and the Wellness Program; and train and encourage agencies and supervisors in the proper use of program services. Proper use of the program by managers is to be included in management training and performance evaluation.

An employee's participation in the Employee Assistance Program is strictly confidential, except that agency management may be provided with the following information about employees referred by management due to poor job performance: whether the employee made an appointment; the date and time the employee arrived and departed; whether the employee agreed to follow the advice of counselors, and whether further appointments were scheduled.

Participation or nonparticipation by any employee in the program is not to be a factor in any decision affecting the employee's job security, opportunity for promotion, disciplinary action, or other employment rights.

Votes on Final Passage:

House	83	11	
Senate	41	7	(Senate amended)
House	94	0	(House concurred)

Effective: June 7, 1990

SHB 2576

C 84 L 90

By Committee on Fisheries & Wildlife (originally sponsored by Representatives R. King, S. Wilson, Bowman, Haugen and Jacobsen; by request of Department of Wildlife)

Updating and revising certain statutes regarding the department of wildlife.

House Committee on Fisheries & Wildlife
Senate Committee on Environment & Natural Resources

Background: The Department of Wildlife is requesting changes in two areas of the wildlife code: licenses, tags, stamps, and permits; and reports that were required before January 1, 1990.

LICENSES, TAGS, STAMPS AND PERMITS: A person who hunts or fishes for game animals or game fish in Washington state, must first obtain a hunting or fishing license. Various additional licenses, permits, stamps, or tags are required depending on the animal, fish, or bird being taken.

When hunting for certain wild animals (deer, elk, bear, cougar, sheep, mountain goat, moose, and wild turkey), a hunter must also obtain a separate transport tag and supplemental stamp. No fee is charged for the transport tag, but depending on the animal, various fees are charged for the supplemental stamps. Both transport tags and supplemental stamps expire on March 31 following the date of issuance.

Game bird hunters must have additional stamps or licenses to hunt for certain game birds. Upland game birds and migratory waterfowl require stamps. Hunting with hounds requires a stamp, and hunting with falcons requires a license. Expiration dates of the stamps and licenses vary.

Punchcards are required for steelhead fishing and for the hunting of upland game birds (quail, partridge, and pheasant). A punchcard for steelhead costs $15 and allows a fisher to catch 15 steelhead. A fisher can reduce the cost of a punchcard to $10 by returning the previous card to the Department of Wildlife by a certain date.

STATUTORY REPORTS: When the Legislature changed the funding source for the Department of Game and renamed it the Department of Wildlife, it required reports on agency management, wildlife and wildlife recreational needs, and hunting and fishing licenses. All reports were due to the Legislature by June 31, 1989, and have been delivered by the Wildlife Commission.

The Legislature established the Joint Select Committee on Endangered Species with a report due to the Legislature in 1987.

Summary: All supplemental stamps and punchcards for hunting game birds are eliminated except the migratory waterfowl stamp. Game bird stamps become permits and the upland game bird permit is divided

into an Eastern Washington permit ($8) and a Western Washington permit ($15). The hound permit, upland game bird permits, and the raptor license expire on January 1. The expiration date on migratory water fowl stamps remains March 31.

All supplemental stamps for hunting game animals are eliminated and the charges formerly associated with the stamps now apply to transport tags.

The steelhead punchcard is renamed the catch record card. A juvenile under the age of 15 may purchase a steelhead catch record card for $5 that allows the juvenile to catch five steelhead.

Statutory references to the following statutory reports are deleted:

(a) Analysis of management of Department of Wildlife due November 1, 1987;

(b) Wildlife and wildlife recreational needs assessment by the Wildlife Commission due October 1, 1988;

(c) Analysis of hunting and fishing licenses due June 30, 1989; and

(d) Joint Select Committee on Threatened and Endangered Species due 1987 legislative session.

Votes on Final Passage:

House	96	0	
Senate	44	1	(Senate amended)
House	94	0	(House concurred)

Effective: June 7, 1990

SHB 2584

C 251 L 90

By Committee on Local Government (originally sponsored by Representatives Haugen, Nealey, Nutley, Ferguson, Nelson, Zellinsky, Wood, Phillips and Raiter)

Raising public utility district internal job value limits and creating a small works roster.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Public utility districts (PUDs) may choose to have work done by their own employees using equipment of a worth not exceeding $30,000, but not including the value of equipment used as "one unit of a project." Such a limitation is referred to as a day labor limit.

PUDs are required to use a formal competitive bidding procedure to award contracts for work having a value of more than $10,000, not including sales taxes. Such a limitation is referred to as a public works bid limit.

PUDs are required to use a formal competitive bidding procedure to purchase materials, equipment, or supplies, if the estimated cost is in excess of $5,000. Such a limitation is referred to as a purchase bid limit.

When an emergency arises endangering the public safety, or threatening property damage, a PUD commission may choose not to conform with these requirements and have its own employees perform the work, award a contract for work without using the formal public works bid limit process, or make purchases without using the formal purchasing bid limit process.

Summary: The day labor limitation for public utility districts (PUDs) is increased from $30,000 to $50,000.

PUDs are permitted to use a small works roster process to award contracts for work with an estimated value of less than $100,000. The small works roster must be revised once a year, and shall consist of all responsible contractors who request to be on the list. A procedure shall be authorized to secure telephone and/or written quotations from contractors on the small works roster to assure establishing a competitive price and to award the contracts to the lowest responsible bidder. A good–faith effort shall be made to request quotations from all contractors on the small works roster.

What constitutes an emergency authorizing a PUD to disregard the various limits is altered. The requirement that such an emergency must endanger the public safety or threaten property damage, is altered to an emergency where the public interest or property of the district would suffer material injury or damage by delay associated with formal bidding requirements. In such instances the PUD must take precautions to secure the lowest possible price practicable under the circumstances.

A PUD may waive bidding requirements relating to purchases and negotiate the purchase price directly if, at a public meeting, the commission determines that a particular purchase is limited clearly and legitimately to a single source of supply.

Votes on Final Passage:

House	92	1
Senate	34	12

Effective: June 7, 1990

SHB 2587

FULL VETO

By Committee on Local Government (originally sponsored by Representatives Prince, Nealey and P. King)

Authorizing port districts to spend money on road improvements.

House Committee on Local Government
Senate Committee on Transportation

Background: Port districts are granted a variety of powers, including the authority to provide and operate docks, wharves, warehouses, canals, airports, bridges, and rail and motor vehicle transfer and terminal facilities. In addition, port districts are authorized to provide various improvements on their own lands related to industrial and commercial purposes.

Summary: Port districts are authorized to expend port funds to improve or to repair roads, streets or highways serving port facilities. Such moneys may be expended in conjunction with any plan of improvements undertaken by the state of Washington, an adjoining state, or a county or municipal government, or any combination of such public entities, notwithstanding whether such roads are located in this state or a neighboring state.

Votes on Final Passage:

House	95	0
Senate	48	0

FULL VETO: (See VETO MESSAGE)

HB 2602

PARTIAL VETO

C 285 L 90

By Representatives Hine, Moyer, Rayburn, Belcher, Scott, Brooks, Heavey, Nutley, Sayan, Fraser, Miller, Dorn, Rasmussen, Hargrove, G. Fisher, R. Fisher, Rector, Leonard, Wineberry, Brough, Sprenkle, Cole, Jones, Dellwo, Haugen, Day, Ebersole, Anderson, Peery, P. King, Basich, Valle, Wang, Phillips, Winsley, Kremen, Padden, Smith, Forner, Tate, Vekich, Wood, Wolfe, D. Sommers, R. King, Van Luven, Brekke, Bowman, Morris, Cooper, H. Myers, Walker, Todd and Spanel.

Changing provisions relating to support services for adoptions.

House Committee on Human Services
House Committee on Appropriations
Senate Committee on Children & Family Services

Background: Each year in Washington state less than 5 percent of pregnant teenagers relinquish their babies for adoption. Adoption records are sealed by the court and information in the records may be released only under limited circumstances. An indigent pregnant woman is eligible for a state-funded program providing income assistance benefits. If an indigent woman decides to parent her child, she receives Aid to Families with Dependent Children benefits when the baby is born. If she decides to relinquish her baby for adoption, her income assistance benefits are terminated the month of the baby's birth.

The Department of Social and Health Services operates an adoption support program to assist in the placement of hard to place children. Some adoptive parents discover medical or psychological problems experienced by their adopted child after the adoption is final. The adoption support program is available only to prospective parents who lack the financial means to fully care for the child. The department may pay some or all of the cost of an adoption proceeding for a parent who does not have the financial means to pay the full costs of the proceeding.

Summary: The birth parents and adoptive parents of a child may enter into an agreement concerning communication with or contact between the child, the adoptive parents, and the birth parents. The agreement must be set forth in a court order. Failure by an adoptive parent to comply with an agreed order regarding communication or contact is not grounds for setting aside an adoption. The court may not modify an agreement unless it is in the best interests of the child and the modification is agreed to by the adoptive and birth parents.

An indigent woman receiving general assistance, who relinquishes her child for adoption, will continue to receive income assistance benefits for six weeks following the birth of her child. A reconsideration program is established to provide medical and counseling services for children of families who apply for services after the adoption is final. The department shall report to the 1991 Legislature regarding this program.

The restriction in the adoption support program to prospective parents who lack financial means to fully care for the child is removed. The department may pay all or part of the nonrecurring adoption expenses incurred by the adoptive parent. This authority is retroactive to January 1, 1987.

Votes on Final Passage:

House	95	0	
Senate	44	4	(Senate amended)
House			(House refused to concur)

Free Conference Committee
Senate 29 18
House 97 0

Effective: June 7, 1990

Partial Veto Summary: The definition of birth parent was vetoed by the governor to avoid a conflict with an earlier definition included in legislation previously enacted during the 1990 legislative session. (See VETO MESSAGE)

SHB 2603

PARTIAL VETO

C 296 L 90

By Committee on Health Care (originally sponsored by Representatives Vekich, Prentice, Brooks, Dellwo, O'Brien, Heavey, Basich, G. Fisher, Valle, Jacobsen, Wineberry, Leonard, Pruitt, Wang, Phillips, Winsley, Sprenkle, Kremen, Holland, Haugen, Hine, Wood, R. King, Moyer, Jones, Ebersole, Scott, Brekke, Morris, Todd and Spanel; by request of Governor Gardner)

Enhancing availability of medical care for children.

House Committee on Health Care
House Committee on Appropriations
Senate Committee on Health & Long-Term Care and Ways & Means

Background: Despite recent efforts to expand health care services for the uninsured, the number of persons without coverage continues to increase. This has been a particular problem for children of low-income families that are not eligible for Medicaid or have no sponsored coverage through an employer.

Many communities lack the funds and the technical capability to expand health care coverage to the needed level. Reimbursement for health care to low-income children is often considered inadequate by providers.

Presently, the Department of Social and Health Services (DSHS) is required to contract for an evaluation of the Maternity Care Access Program (First Steps). The deadline for the completion of the evaluation is set for November 1, 1990. The University of Washington has been conducting research on this subject for some time and is considered by many to be an excellent evaluator for the First Steps Program.

Summary: A new program is established within the Department of Social and Health Services (DSHS) to be known as the "children's health program." Through this new program all children under the age of 18, with a household income at or below 100 percent of the federal poverty level ($12,700 a year for a family of four) will be provided medical coverage in the same manner and scope as Medicaid. The eligibility process is to be determined by DSHS. Eligibility determination and time lines are to be the same as for Medicaid.

The program encourages communities to make health services more accessible to children in poverty. Technical assistance and public funds are made available to help communities experiencing significant problems with access to health services for children. The Children's Health Services Committee is created, consisting of personnel from the departments of Social and Health Services and Health. The committee, in coordination with counties, is to identify counties that are experiencing significant problems with access to health care for low-income children. DSHS is to advise such counties on ways to obtain funds and technical assistance. Counties not so identified can independently seek funds and technical assistance from DSHS. DSHS, after considering the recommendations of the committee, shall provide technical and financial assistance to the identified counties.

The counties and the Department of Health are to reevaluate the state of access to health care services for children and report to the State Board of Health for possible inclusion in the state health report.

Current law is amended to permit the state to provide health care services to children (under age 18) up to 100 percent of the federal poverty level. The University of Washington is required to evaluate the Maternity Care Access Program (First Steps) and report annually to the Legislature until 1994.

Votes on Final Passage:

House	87	6	
Senate	48	0	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	46	0
House	97	0

Effective: July 1, 1990

Partial Veto Summary: The creation of a Children's Health Services Committee is deleted, along with the requirement that only county authorities may apply for technical assistance. (See VETO MESSAGE)

SHB 2609

C 64 L 90

By Committee on Revenue (originally sponsored by Representatives Ferguson, Rust, Dellwo, Wang, P. King and McLean; by request of Pollution Liability Reinsurance Agency)

Revising provisions for the Washington pollution liability insurance program.

House Committee on Revenue
Senate Committee on Financial Institutions & Insurance

Background: The 1988 Legislature created the Joint Select Committee on Underground Storage Tanks to study and recommend legislation to assist owners and operators of underground storage tanks (USTs) in complying with federal financial responsibility regulations. These regulations require owners and operators to demonstrate the ability to pay for "taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and not sudden accidental releases from operating an underground storage tank."

During the 1988 interim, the joint committee found that many owners and operators, especially small owners and operators, would be unable to comply with the financial responsibility regulations without state assistance. Although federal regulations provide alternatives for complying, the most practical method of compliance was through the purchase of costly liability insurance. However, even if an owner can afford the insurance, the owner may not be able to obtain coverage because of the tank's age and type. Insurers typically reject owners of older tanks because of the high risk of leakage.

After reviewing several proposals to assist owners of USTs in complying with federal financial responsibility regulations, the Legislature adopted legislation creating a state pollution liability reinsurance program. The program is to provide insurance to insurance companies (reinsurance) that in turn provide insurance to UST owners and operators. The program is administered through an independent state agency. The program administrator has broad authority to design and price reinsurance. The Legislature created an advisory committee to the program that is appointed by the governor and consists of UST owners and operators and other professionals.

The state reinsurance program's objective is to improve the availability and affordability of pollution liability insurance for owners of USTs. The objective is to be met by selling reinsurance at a price well below the private market price for similar reinsurance. This discount will be passed on to owners and operators of USTs through reduced insurance premiums and increased availability of insurance. The form of reinsurance selected by the Legislature is "excess of loss" reinsurance. Under this type of reinsurance, the state sells a pollution liability insurance policy to an insurance company and pays claims exceeding the insurance company's deductible.

As stated in the law creating the program, the Legislature chose the reinsurance program over competing alternatives to minimize state participation in investigating and settling pollution liability claims, to minimize state exposure to liability for pollution claims, and to encourage private insurance market growth so that the state can eventually discontinue the program. In addition, the Legislature chose the reinsurance program as a less costly method of providing financial responsibility assistance.

The program cannot provide coverage in excess of $1 million per occurrence and $2 million annual aggregate. No deductibles, coverage prices, reinsurance contract terms, underwriting standards, and coverage limitations were specified in the enabling legislation because these aspects of the program will be subject to negotiation with an insurer. However, the Legislature did recognize that a viable insurance program cannot accept every owner and operator. The Legislature therefore specified that it was not the intent of the program to cover past or existing leaks, or provide insurance without evaluating the condition of the tanks or the management practices of the owner. Hence, owners and operators employing state of the art technology will be charged less than owners and operators who employ older, less effective methods to prevent pollution.

To fund the program, the Legislature imposed a petroleum products tax of 0.50 percent on the first possession of any petroleum product in the state. The tax applies to the wholesale value of the petroleum product. Petroleum products that are exported for use or sale outside of the state as fuel, and that are packaged for sale to ultimate consumers, are exempt from taxation. Proceeds from the tax are deposited into the pollution liability reinsurance program trust account to fund the reinsurance program.

Collection of this tax must cease whenever the account balance exceeds $15 million and collection may resume when the balance drops below $7.5 million. The Department of Revenue estimates that the account balance will reach $15 million by July of 1990.

The 1989 Legislature authorized expenditure of $400,000 from the program trust account for initial program development. The Legislature prohibited expenditure of program funds above this amount until the 1990 Legislature reviewed and reauthorized the program. The program administrator was to provide a report to the Legislature by January 1, 1990, analyzing the costs and effectiveness of the program in meeting the goal of providing financial responsibility assistance to owners and operators of USTs.

Standard practice in the insurance industry is for companies to set aside loss and surplus reserves. "Loss reserve" is the amount traditionally set aside by commercial liability insurers to cover claims that have already been made. "Loss reserve" includes only known claims, and does not include claims that are merely projected. "Surplus reserve" is the amount traditionally set aside by commercial property and casualty insurance companies to provide financial protection from unexpected losses.

Summary: The title of the administrator of the Pollution Liability Reinsurance Program is changed to "director."

It is clarified that the intent of the program is to make the program available within existing tax revenues, particularly to owners and operators whose underground storage tanks (USTs) meet a vital economic need within a community. In adopting rules to implement the program, the director is to consider the economic impact on a community from losing an UST.

The director is to contract with an organization that has demonstrated experience in managing and designing pollution liability insurance and reinsurance. The administrator is to enter into a contract after a competitive bid process, but is not required to select the lowest bid. The director is given the flexibility to choose between "excess of loss" reinsurance and other alternatives, and may design a program to cover costs incurred by certain tank owners in meeting underwriting standards. Before entering into a reinsurance contract, the director must provide the chairs of the Senate Ways and Means, Senate Financial Institutions, House Revenue, and House Financial Institutions and Insurance committees with an actuarial report describing the various reinsurance methods considered.

It is specified that a sequence of events is to occur following the signing of a reinsurance contract. Within 30 days after the director had signed a contract, the Department of Ecology (DOE) is to notify UST owners or operators that insurance is available and that financial responsibility requirements must be met by October 26, 1990. Owners or operators are to declare their intended method of meeting these requirements by November 1, 1990. DOE may refuse to issue a tank tag until the declaration is made.

The director is to notify the Department of Revenue (DOR) each quarter of the required loss and surplus reserves. The director is to report this amount to the insurance commissioner and the committee chairs. Loss and surplus reserves are excluded from the balance calculated by DOR. It is clarified that DOR is to calculate the balance on a cash basis.

The prohibition on expenditure of program funds is deleted so that the program can be fully implemented. The name of the reinsurance program is changed from "Washington pollution liability reinsurance program" to "Washington pollution liability insurance program."

Votes on Final Passage:

House	97	0	
Senate	47	0	(Senate amended)
House	94	0	(House concurred)

Effective: March 15, 1990

HB 2633

C 228 L 90

By Representatives Appelwick, P. King and Valle

Amending the uniform commercial code.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The National Conference of Commissioners on Uniform State Laws proposes modifications and clarifications of the Uniform Commercial Code and other uniform laws. In the summer of 1989, the conference adopted amendments to the definitions used throughout the Uniform Commercial Code. These proposed amendments are intended to provide conformity with other proposed new text and amendments to the Uniform Commercial Code.

Summary: Three definitional changes are made in the Uniform Commercial Code.

The definition of "holder" is clarified with respect to instruments, securities or documents of title.

The definition of "money" is modified to include a medium of exchange authorized by an intergovernmental organization.

A reference to "indorsement" is deleted from the definition of "unauthorized" signature.

Votes on Final Passage:

House	98	0
Senate	47	0

Effective: June 7, 1990

SHB 2643

C 249 L 90

By Committee on Appropriations (originally sponsored by Representatives Hine, D. Sommers, Sayan, McLean, H. Sommers, Silver, R. King, Anderson, Winsley and Spanel; by request of Joint Committee on Pension Policy)

Changing survivorship options for members of state retirement systems.

House Committee on Appropriations
Senate Committee on Ways & Means

Background: When a member retires from one of the state retirement systems other than the Law Enforcement Officers' and Fire Fighters' plan I (LEOFF I) or the Washington State Patrol Retirement System (WSPRS), he or she can opt for a reduced benefit in exchange for survivor benefits. However, the member is limited to selecting between a benefit in which the survivor receives an amount equal to the member's full monthly benefit and a benefit in which the survivor receives one-half the member's benefit.

If a member of one of the state retirement systems, other than LEOFF I or WSPRS, takes a disability retirement, he or she cannot opt for a reduced monthly benefit with a survivor benefit. This provides an incentive for members to remain in their jobs even though their physical condition indicates that disability retirement is appropriate.

There are no provisions requiring a member to obtain his or her spouse's consent prior to selecting a retirement option. Failure to obtain spousal consent conflicts with community property policy because, to the extent that the benefit was earned during the marriage, the nonmember spouse has a property interest in the benefit.

Summary: The statutory state retirement system survivor benefit options are repealed. The Department of Retirement Systems is given authority to adopt the survivor benefit options that the department deems reasonable. The department must adopt at least the two survivor options contained in the repealed statute. All options offered must be actuarially equivalent to the standard allowance (the benefit payment stream that does not include a survivor benefit).

Disability retirees under the Judicial Retirement System, Law Enforcement Officers and Firefighters Retirement System Plan I, Teachers Retirement System, and Public Employees Retirement System are given the same survivor options as service retirees.

Members are required to obtain spousal consent to the retirement benefit payment option chosen. If the member and his or her spouse cannot agree on a benefit payment option, a joint and 50 percent survivor option will be paid to the member with the nonmember spouse being named as the beneficiary.

Votes on Final Passage:

House	81	0	
Senate	48	0	(Senate amended)
Senate	47	0	(Senate receded)

Effective: June 7, 1990

SHB 2644

C 274 L 90

By Committee on Appropriations (originally sponsored by Representatives Silver, Hine, Sayan, McLean, D. Sommers, H. Sommers, Peery and Spanel; by request of Joint Committee on Pension Policy)

Revising provisions relating to retirement systems.

House Committee on Appropriations
Senate Committee on Ways & Means

Background: Members of the Teacher's Retirement System Plan II (TRS II) and members of the Public Employee's Retirement System (PERS) who work for educational institutions are eligible to receive 12 months of service credit upon completing nine months of creditable service, the approximate length of a school year. A member receives one month of service credit if he or she works 90 hours or more during that month. There are certain months, however, in which the amount of school vacation or inclement weather makes it impossible for a member to work 90 hours. Piecemeal legislation has been enacted to ensure that members will still receive service credit during months where days are missed due to vacation or inclement weather. The resulting system is a patchwork of statutes and rules that are difficult and costly to administer.

Calculating service credit for substitute teachers is also a difficult and costly administrative task. When a substitute teacher works a day, or several days, for a particular school district, the employer does not know whether the substitute will work 90 hours in, and therefore get service credit for, that month. As a result, the employer does not know whether to deduct contributions from the substitute's pay. In response to

this uncertainty, the school district withholds the member contribution from the substitute's pay and at the end of the month determines whether the member worked enough hours to earn service credit. The district must also ascertain whether the substitute worked enough hours at other school districts to obtain a total of 90 hours. If, at the end of this process, the district determines that the substitute did not work 90 hours, the district must return the member contributions that it withheld from the substitute's pay. This process is repeated monthly for each substitute.

Temporary employees in eligible positions in PERS are exempt from membership for up to six months. If the position lasts longer than six months, the employee is made a member retroactively and is responsible for making six months of back contributions. In 1990, back contributions would be approximately 4.7 percent of the employee's gross pay from his or her first six months of work.

If a retired employee returns to his or her job as a "temporary," the employee may work up to the time just prior to the point when he or she would regain membership status and have his or her retirement benefit suspended. By taking a few weeks off before returning to work, the employee can begin a new six month period that can be repeated an indefinite number of times.

Retirement benefits for retirees from the Judicial Retirement System, the Law Enforcement Officer's and Fire Fighter's Retirement System Plan II (LEOFF II), the Teacher's Retirement System Plan II (TRS II), and the Public Employee's Retirement System Plan II (PERS II), are suspended if the retiree works for a nonfederal public employer. Although this restriction prevents possible double dipping, it also prevents the state from using a growing pool of older experienced workers.

Summary: The calculation of state retirement service credit is changed from a monthly standard to a yearly standard. A Teacher's Retirement System (TRS) II member or a Public Employee's Retirement System (PERS) I or II member who works for an educational institution will receive a full year's service credit if he or she works 810 hours in a 12 month period and is employed during nine of those months. However, a member may not receive service credit for any period prior to the time he or she became employed in an eligible position. A savings clause in the bill ensures that no service credit accrued under the present system will be revoked.

Accumulation of service credit for substitute teachers is made optional. The substitute's employer(s) must notify the substitute quarterly of hours worked and compensation earned. At the end of the school year, the substitute determines whether he or she qualifies for service credit and, if so, decides whether to apply for it. If the substitute opts for the service credit, he or she must make the requisite contribution. The employer is not required to contribute until the Department of Retirement Systems receives the substitute's contribution.

The PERS temporary employee membership exclusion is limited to PERS I retirees. Any person hired in an eligible position, either on a temporary or permanent basis, will be a member of the system and will have contributions withheld from his or her salary. A PERS I retiree will be allowed to work in an eligible position on a temporary basis for up to five months in a calendar year. If more than five months are worked, the retiree's benefits will be suspended prospectively.

The plan II prohibition of post retirement employment with a nonfederal public employer is repealed. Retirees from the plan II systems of Law Enforcement Officers' and Firefighters' Retirement Systems (LEOFF), TRS, and PERS, will be allowed to work for a nonfederal public employer so long as they do not enter an eligible position. If the retiree does enter such a position, his or her benefits will be suspended. When eligibility for service credit commences, eligibility to receive retirement benefits ceases.

The benefit eligibility provisions also apply to Judicial Retirement System retirees with the exception of previously elected judges of the Superior Court who retired before the effective date of this act and left a pending case in which they had made discretionary rulings. In this situation, a judge may hear the pending case as a judge pro tempore without having his or her retirement allowance suspended.

The new service credit systems and post retirement employment provisions are not a right of the member and may be revoked or modified by the Legislature.

Votes on Final Passage:

House	97	0	
Senate	48	0	(Senate amended)
House	92	0	(House concurred)

Effective: June 7, 1990
September 1, 1990 (Sections 1 – 8)

HB 2655

C 139 L 90

By Representatives R. Fisher and Pruitt

Changing reporting requirements for lobbyists and for employers of lobbyists.

House Committee on State Government
Senate Committee on Governmental Operations

Background: Lobbying. The public disclosure laws define "lobbying" as attempting to influence the passage or defeat of any state legislation or the adoption or rejection of any rule or similar act of a state agency under the Administrative Procedure Act. Although persons who lobby are required to register with the Public Disclosure Commission, exemptions from this requirement are established by law for a number of lobbying activities. Registered lobbyists must file monthly reports with the commission. Employers of lobbyists must file annual reports with the commission.

In 1987, the Legislature enacted legislation requiring registered lobbyists and employers of lobbyists to report their expenses for the following activities: the development of legislation or rules, the development of support for or opposition to legislation or rules, and attempts to influence the development of legislation or rules.

Grass Roots Lobbying. Grass roots lobbying is lobbying directed at the public but designed to influence legislation. Special monthly reports regarding expenditures for grass roots lobbying must be filed with the commission. If the expenditures would be contained in other reports that must be filed with the commission, these special monthly reports are not required.

Summary: Lobbying. Provisions of the public disclosure law are repealed that expressly require lobbyists and their employers to report expenditures for the development of legislation or rules, the development of support for or opposition to legislation or rules, and attempts to influence the development of legislation or rules. An association's or organization's act of communicating with the members of that association or organization does not constitute lobbying.

Contributions by a Lobbyist's Employer. The employer of a registered lobbyist must file a special report with the Public Disclosure Commission if the employer makes contributions aggregating more than $100 during a calendar month to any one of the following: a candidate, political committee, elected official, or agency officer or employee. The report must be filed within 15 days of the end of the month during which the contributions were made. This reporting requirement does not apply if the contributions were made through a registered lobbyist.

Grass Roots Lobbying. The annual report of a lobbyist's employer may no longer be used for reporting grass roots lobbying in lieu of filing a grass roots lobbying report with the commission.

Votes on Final Passage:

House	91	0	
Senate	28	20	(Senate amended)
House	93	0	(House concurred)

Effective: June 7, 1990

HB 2667

C 1 L 90 E1

By Representatives Phillips, Nutley, Nelson, Holland, Wang, Hankins, Wineberry and Anderson

Changing provisions relating to low-income home energy assistance and creating a joint select committee on low-income home energy assistance.

House Committee on Energy & Utilities
Senate Committee on Energy & Utilities

Background: Winter heating expenses can be overwhelming in some cases for low-income persons, sometimes exceeding mortgage or rent payments. In order to reduce the likelihood that low-income residents will loose heat in the winter, the Legislature has prohibited energy utilities from cutting off residential space heat utility services between November 15 and March 15 if the low-income person follows prescribed steps.

To be eligible for this protection, the individual must notify the utility of the inability to pay for utility services, apply for home heating assistance, and apply for weatherization assistance. The utility and the customer enter into a payment plan that allows the customer to spread the cost of winter heat bills and past due amounts over the entire year.

The cut-off program was implemented in 1984 and was renewed in 1986. It will expire on June 30, 1990.

Principal financial assistance for low-income persons in meeting home heating energy bills has come from the federal Low-income Home Energy Assistance Program and the state's Energy Matchmakers Program. The funding for both of these programs has declined significantly in the last few years. Other assistance programs are not of the scope and magnitude of these receding programs.

Summary: The winter heat shutoff moratorium program is continued for one year, until June 30, 1991. If

service to a customer is disconnected, the customer may have service restored and be protected from further disconnection by paying reconnection charges and satisfying other requirements of the moratorium program.

The Energy and Utilities committees of the House and Senate shall review low-income energy assistance programs in this and other states and elsewhere by December 15, 1990. The committees shall make recommendations on new or revised programs to provide home heating energy assistance for low-income persons that may be considered by the Legislature during its 1991 session.

Votes on Final Passage:

House	98	0
First Special Session		
House	96	0
Senate	45	1

Effective: March 26, 1990

HB 2694

C 4 L 90 E1

By Representatives Cole, Holland, Leonard, Jacobsen and Betrozoff

Extending the expiration date of the interim task force on student transportation safety.

House Committee on Education
Senate Committee on Education

Background: The 1989 Legislature created an interim task force on the safety of students traveling to and from school. The task force is studying student pedestrian safety, the need for edge striping and curbing, and whether standards for sidewalks and other improvements in housing developments should be established. The task force must submit a final report to the Legislature by March 31, 1990, and will expire on the same date.

The membership of the task force includes representatives from the Legislature, the Superintendent of Public Instruction, the Department of Transportation, local governments, school districts, and others with an interest in school transportation.

The task force has met on several occasions, and subcommittees have been formed. While progress has been made, it is unlikely the group will be able to fully complete its assignments by March 31, 1990.

Summary: The expiration date of the interim task force on the safety of students traveling to and from school and the due date of the task force's final report are extended from March 31, 1990, to October 31, 1990. A bus driver and bus driver supervisor are added to the membership of the task force.

Votes on Final Passage:

House	98	0
First Special Session		
House	96	0
Senate	46	2

Effective: July 1, 1990

HB 2705

C 49 L 90

By Representatives Ballard, Dellwo, Beck, Silver and McLean; by request of Parks and Recreation Commission

Changing provisions relating to winter recreation functions of the state parks and recreation commission.

House Committee on Natural Resources & Parks
Senate Committee on Environment & Natural Resources

Background: The Winter Recreation Advisory Committee was created in 1975. Twelve individuals serve on the committee; six representatives of the non-snowmobiling winter recreation public, three representatives of the snowmobiling public; and one representative from the Department of Natural Resources, Department of Wildlife and the Washington State Association of Counties. The members of this committee serve as advisors to help the Parks and Recreation Commission to develop policies and procedures for their winter recreation program. The committee is scheduled to terminate on June 30, 1991.

The Parks and Recreation Commission is responsible for administering the snow removal operations for designated winter recreational parking areas. Currently, the only parking permit issued by the commission is a one year annual parking permit. An inequity exists because program services at some sno-parks, exceed the services at other sno-parks. Therefore, some winter recreationists are paying for fewer services than those enjoying a sno-park with more amenities. Also, the Parks and Recreation Commission has had requests for daily, weekly, or monthly permits, rather than a single seasonal permit. The commission would like to rectify the inequity that exists because only one permit is issued for all sno-parks, regardless of the services provided. Additionally, the commission would like to issue permits that serve the needs of both

the frequent and occasional user of winter recreational parking areas.

Summary: The Winter Recreation Advisory Committee and its powers and duties shall continue to exist until June 30, 2001.

The Parks and Recreation Commission may issue several types of snow parking permits. The duration of each permit will be established by the Parks and Recreation Commission. The fee for the various permits will also be determined by the commission.

Registered snowmobilers are not required to pay a fee for an annual winter recreational area parking permit.

Votes on Final Passage:

House	95	0
Senate	46	0

Effective: June 7, 1990
March 14, 1990 (Section 3)

SHB 2706

PARTIAL VETO

C 278 L 90

By Committee on Trade & Economic Development (originally sponsored by Representatives Locke, Cantwell, Prince, Spanel, Wineberry, Betrozoff, Cooper, Basich, Raiter, Miller, Rector, Rasmussen, Moyer, Youngsman, G. Fisher, Prentice, Kremen, Nelson, Anderson, Valle, P. King, R. King, Ferguson, O'Brien, Jacobsen, Phillips, Pruitt, Wang, Silver, Brekke, Belcher and Sprenkle)

Promoting economic diversification for defense-dependent industries and communities.

House Committee on Trade & Economic Development
House Committee on Appropriations
Senate Committee on Economic Development & Labor

Background: Washington state's economy is impacted by a wide range of defense-related expenditures. These include Army, Navy, and Air Force facilities, nuclear weapons production, defense research and development, and production contracts.

In 1988, the Legislature required the Institute for Public Policy to study the impacts of military expenditures. This study, released in 1989, found that in 1987, Washington State ranked 12th in the nation in per capita defense spending. Expenditures on payrolls and procurement in Washington represented about 6 percent of the gross state product, or $5.8 billion in 1982 dollars. These expenditures generated an estimated 153,000 civilian jobs or 7.3 percent of the state's civilian labor force.

Summary: The Department of Community Development, with the advice of an advisory council on economic diversification, is required to assist defense-dependent firms and communities in planning responses to cuts in federal defense spending.

The Community Diversification Program is created in the Department of Community Development. As part of the program, the department is required to fulfill the following duties: monitor and forecast shifts in defense spending and the impacts of these shifts on major defense employers in the state; identify cities, counties and regions of the state and firms that are dependent on federal defense contracts; provide assistance to communities in broadening their economic base; formulate a state plan for diversification in defense dependent communities in collaboration with the Employment Security Department, the Department of Trade and Economic Development and the Office of Financial Management; and identify diversification efforts being conducted by other states, the federal government and other nations.

The department is required to make an annual report to the governor and the Legislature on the activities of the Community Diversification Program.

The Advisory Council on Economic Diversification is created. The council consists of 15 voting members; 11 council members are appointed by the governor and the remaining four members are legislators. The director of the Department of Community Development or the director's designee serves as the non-voting chair of the advisory council.

The Community Diversification Program and the Advisory Council on Economic Diversification are set to terminate under the Sunset Act in 1996.

Votes on Final Passage:

House	65	30	
Senate	41	0	(Senate amended)
House	80	14	(House concurred)

Effective: June 7, 1990

Partial Veto Summary: The section is vetoed that establishes an advisory committee to assist the Department of Community Development in carrying out the charges of this act. (See VETO MESSAGE)

SHB 2708

C 107 L 90

By Committee on Local Government (originally sponsored by Representatives Haugen, Rayburn, Cooper, Ferguson, Jones, McLean, Braddock and R. Meyers)

Authorizing public utility districts to perform sewer inspections.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Public utility districts provide sewage disposal in some areas of the state. There is no specific statutory authority for a public utility district to perform its own inspections and maintenance of sewage facilities, approved septic tanks and septic tank systems, wastewater, or systems associated with rehabilitating surface or underground water.

Summary: A public utility district, if authorized by a county health board, may perform operations and maintenance, including inspections, of on–site sewage disposal facilities, alternate sewage disposal facilities, approved septic tanks or septic tank systems, wastewater facilities and systems, and other systems and facilities for the protection, preservation, and rehabilitation of surface and underground waters. The public utility district may charge the system owner for the costs associated with the maintenance of private on–site sewage systems.

Votes on Final Passage:

House	98	0
Senate	44	1

Effective: June 7, 1990

SHB 2709

PARTIAL VETO

C 257 L 90

By Committee on Judiciary (originally sponsored by Representatives Crane and Appelwick)

Revising criteria for setting the number of district court judges in each electoral district.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: In 1989, the Legislature authorized counties with county–wide district courts, but multiple courtroom locations, to establish smaller electoral units within the district. One of the requirements in the new law is that each of the electoral subdistricts must include "approximately equal population."

King County is currently divided into several district courts. The county legislative authority is planning to consolidate all of the county into one district court district. When consolidation occurs, the county–wide district could then be divided into subdistrict electoral units. If electoral subdistricts are not created, all of the district court judges will run for election at large in King County.

The King County legislative authority and the district court judges have been negotiating on consolidation plans. The equal population requirement for electoral subdistricts limits the choices available in a consolidation. If Seattle is to be one of the electoral subdistricts in King County, the remainder of the county would have to be divided into two subdistricts in order to meet the equal population requirement. Otherwise, Seattle would have to be subdivided into smaller electoral subdistricts, too. None of the participants in the negotiations desires either of these alternatives.

State law mandates 24 district court judges in King County. Spokane county is mandated eight district court judges. Counties may by resolution add one additional district court judge beyond the number mandated.

Summary: The creation of electoral subdistricts is made mandatory for any county containing a city of more than 400,000 persons. This presently will include only King County. Any other county with a county–wide district court and multiple courtroom locations still has the choice of whether to create electoral subdistricts.

The requirement that district court subdistrict electoral units must be of equal population is removed. Several requirements for the creation of districts are made applicable to subdistricts. Among these requirements are that a city may not be in more than one subdistrict.

One additional district court judge is mandated for Spokane County, bringing the total number of mandated judges to nine.

Votes on Final Passage:

House	97	0	
Senate	46	0	(Senate amended)
House	93	0	(House concurred)

Effective: March 28, 1990

Partial Veto Summary: The provision is vetoed that would have added one additional District Court judge for Spokane County. (See VETO MESSAGE)

HB 2714

C 263 L 90

By Representatives Padden, Appelwick, Fuhrman, Bowman, Kremen, Wolfe, Moyer, Horn, Tate and Miller

Concerning execution dates.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The Washington Supreme Court performs a sentence review and hears appeals of criminal cases in which a death sentence has been imposed. If the court affirms the death sentence, the case is remanded to the trial court for issuance of a death warrant by the clerk of the court. The death warrant is directed to the superintendent of the state penitentiary and specifies the execution date. The specified execution date must be 30 to 90 days from the date the trial court receives the remand from the Washington Supreme Court.

If the appointed execution date passes without the execution taking place, the trial court that issued the death warrant is directed to issue another death warrant. The new death warrant is issued pursuant to the procedure followed in issuing the original death warrant.

Statutory ambiguity exists regarding the event that triggers issuance of a new death warrant when an execution has been stayed. The statute provides that a new execution date must be set 30 to 90 days from the date the trial court receives a "remand from the Supreme Court of Washington." An order terminating/vacating the stay of execution, rather than a remand from the Washington Supreme Court, may indicate that a new death warrant should be issued.

Summary: If an execution is stayed by any court of competent jurisdiction, the new execution date is automatically reset for 30 judicial days following entry of an order terminating the stay of execution.

Votes on Final Passage:

House	83	14
Senate	39	7

Effective: June 7, 1990

HB 2716

C 217 L 90

By Representatives Crane and S. Wilson

Making a person who overloads a truck a codefendant.

House Committee on Transportation
Senate Committee on Transportation

Background: Under current law, the driver of a truck that exceeds the maximum gross weight allowed by law or that does not have the required overweight/oversize permits is subject to a traffic infraction.

The basic penalty for the first offense is $50, the second offense is $75, and the third or subsequent offense is $100. In addition, the court may assess a fine of 3 cents per excess pound. The basic penalty is not suspendable. However, the court may suspend the additional penalty up to 500 excess pounds per axle, not to exceed a total of 2,000 excess pounds. The court may suspend the truck registration for 30 days for a second offense within 12 months and must suspend for a third or subsequent violation within 12 months.

A driver is not always responsible for the loading of the truck and may not realize the vehicle is overweight. There is no provision in law assessing a penalty against anyone other than the driver for exceeding the maximum gross weight regulations.

Summary: It is a traffic infraction for a person to knowingly load a vehicle in excess of its legal or permitted gross weight.

Votes on Final Passage:

House	96	2	
Senate	32	11	(Senate amended)
House	91	3	(House concurred)

Effective: June 7, 1990

SHB 2726

C 254 L 90

By Committee on Capital Facilities & Financing (originally sponsored by Representatives Schoon, Cantwell, Brumsickle, Moyer, Raiter, H. Myers, Hargrove, Smith, Nealey, Peery and Cooper)

Raising the debt funding limitation for certain port districts.

House Committee on Trade & Economic Development
House Committee on Capital Facilities & Financing

Senate Committee on Governmental Operations

Background: The Legislature authorized the creation of port districts in 1911. These port districts are referred to as "special purpose districts" and are governed by elected port commissioners. Port districts are authorized to develop a variety of facilities and services, primarily related to transportation and economic development. Examples of transportation facilities developed by port districts include marine terminals, storage facilities, airports, and railroad facilities. Examples of economic development activities undertaken by ports include industrial development sites, trade centers, and export trading companies.

Port district activities are financed through fees for services, fees for the use of port land and facilities, property tax levies, receipts from the issuance of a variety of municipal bonds, and grants and gifts. Ports may also issue Industrial Revenue Bonds.

There are a variety of limitations on how much indebtedness a port district may incur. These limitations are based on the value of taxable property in the district.

Summary: The debt limit of a county-wide port district with a population of fewer than 2,500 people does not include debt on property leased to the federal government.

Votes on Final Passage:

House	98	0	
Senate	48	0	(Senate amended)
Senate	38	0	(Senate receded)

Effective: March 28, 1990

HB 2746

FULL VETO

By Representatives McLean, Belcher, Brumsickle, Ballard, Appelwick, Silver, Hankins, Miller, Bowman and Todd

Creating a crime of enticement.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Sexual offenses are set forth in the Washington Criminal Code and include rape, child molestation, sexual misconduct with a minor and indecent liberties, as well as other offenses.

Summary: The new crime of "enticement" is created. A person is guilty of enticement when he or she requests or persuades a person under the age of 16 or a developmentally disabled person, through false representations, to enter a car or other place for the purpose of sexual contact or gratification.

Enticement is a gross misdemeanor.

Votes on Final Passage:

House	93	0	
Senate	46	0	(Senate amended)
House	94	0	(House concurred)

FULL VETO: (See VETO MESSAGE)

SHB 2752

C 155 L 90

By Committee on Judiciary (originally sponsored by Representatives Moyer, Jones, Padden, Wolfe, Hargrove, Wineberry, Rector, D. Sommers, Crane, Dellwo, Schmidt, Brumsickle, Winsley, Bowman, Kremen, Heavey, Tate, May, Brough, Kirby, Wood, Schoon, Todd and Day)

Pertaining to depictions of minors engaged in sexually explicit conduct.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: A person who knowingly possesses visual or printed matter depicting a minor engaged in sexually explicit conduct is guilty of a gross misdemeanor. "Visual or printed matter" means any photograph or other material that contains a reproduction of a photograph.

In 1989, the Legislature created a panel to study the sentencing alternatives available for sex offenders.

Summary: The penalty for possession of child pornography is increased. A person who knowingly possesses visual or printed matter depicting a minor engaged in sexually explicit conduct is guilty of a class C felony. The meaning of "visual or printed matter" is expressly extended to cover film negatives, motion pictures, videotapes or any other "pictorial reproduction."

The Blue Ribbon Panel on Special Sexual Offender Sentencing Alternatives must consider whether individuals convicted of offenses involving child pornography or pornography should be eligible for treatment.

Votes on Final Passage:

House	93	0	
Senate	47	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 1, 1990

HB 2753

C 108 L 90

By Representatives Prince, Nealey, Dellwo and Hankins

Rerouting state route number 128 through Red Wolf Crossing.

House Committee on Transportation
Senate Committee on Transportation

Background: Down River Road, a 2.1 mile county road in Idaho, and Whitman County Road No. 1000, a 1.8 mile road in Washington, meet at the Washington–Idaho border and carry a great deal of heavy truck traffic headed to and from the port facility at Wilma, operated by the Port of Whitman County. These roads are in the Lewiston/Clarkston area, and serve as an alternate to the more heavily traveled, heavily developed State Route 12 to the south.

Recently the Idaho Transportation Board approved adding Down River Road to the Idaho state highway system. In order to provide route continuity, Idaho has requested that Washington add Whitman County Road No. 1000 to its state highway system.

State Route 193, which extends from Clarkston to Colton, includes the Snake River Bridge at Red Wolf Crossing. This bridge will be used by the extension of State Route 128.

Under the state highway criteria developed by the Road Jurisdiction Committee, this section would qualify for state highway status because of serving the port facility.

Summary: The 1.8 miles of Whitman County Road No. 1000 is added to the state highway system by extending State Route 128 from the junction with State Route 12 east to the Washington–Idaho border. State Route 193 starts at its junction with the extension of State Route 128 near Red Wolf Crossing instead of at its junction with State Route 12. The Snake River Bridge is made part of State Route 128 rather than a part of State Route 193.

Votes on Final Passage:

House	95	0
Senate	49	0

Effective: June 7, 1990

HB 2761

FULL VETO

By Representatives Peery and Pruitt

Changing provisions relating to the Washington state school directors' association.

House Committee on Education
Senate Committee on Education

Background: The Washington State School Directors' Association consists of school district board members from throughout the state. The association was first established in the mid–1920s, and became a state agency in the mid–1940s.

Officers of the association, which include a president, 1st vice president, 2nd vice president, and an immediate past president, are currently paid only expenses such as travel, food, and lodging when they are carrying out business of the association.

In December 1989, the association's 20–member board of directors passed a resolution, contingent upon approval of the Legislature, to allow officers of the association to be paid up to $50 a day when conducting association business.

Summary: The Washington State School Directors' Association is given the power to employ an executive director, instead of an executive secretary. In addition to subsistence payments, the association is authorized to compensate officers for each day they attend an official meeting or perform duties approved by the association's board of directors.

Votes on Final Passage:

House	92	0	
Senate	45	0	(Senate amended)
House	94	0	(House concurred)

FULL VETO: (See VETO MESSAGE)

HB 2775

C 184 L 90

By Representatives McLean, R. Fisher, Miller, Ebersole, Holland, Bennett, Wolfe, Wang, Betrozoff, Todd, Anderson, Pruitt, R. Meyers, D. Sommers, Wood, Wineberry and Hankins

Prohibiting the use of voting machines that do not record votes on separate ballots.

House Committee on State Government
Senate Committee on Governmental Operations and Ways & Means

Background: The Election Code permits only approved voting machines, voting devices, or vote tallying systems to be used for conducting elections in this state. The code authorizes the secretary of state to approve voting equipment and provides requirements that the equipment must satisfy for approval. Among these are specific standards for approving lever-operated voting machines.

Summary: A new standard is established for voting equipment. Beginning January 1, 1993, no voting device or machine may be used to conduct a primary or election unless it correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure. The ballots must also be available for audit purposes after the primary or election. This prohibition applies to counties of the second class and larger.

Equipment that does not satisfy this standard may be used in less populous counties after January 1, 1993, under the following circumstances: 1) the equipment was approved for use in this state before January 1, 1993, 2) the equipment otherwise satisfies the requirements of the Election Code, and 3) not more than 20 percent of the votes cast during a primary or election conducted in the county after January 1, 1998, are cast using such equipment. These less populous counties are encouraged to replace such equipment with equipment that would satisfy this standard. The secretary of state must report to the Legislature by January 1 of each odd-numbered year through 1997 on the progress of the less populous counties in replacing equipment that does not satisfy this standard.

Beginning January 1, 1993, the secretary may not approve for use in this state any voting machine or device that does not satisfy this standard.

Votes on Final Passage:

House	81	16	
Senate	27	20	(Senate amended)
House	71	24	(House concurred)

Effective: June 7, 1990

SHB 2792

PARTIAL VETO

C 147 L 90

By Committee on Health Care (originally sponsored by Representatives Day, D. Sommers, R. King, Vekich, Dellwo, Wolfe and Rector)

Regulating podiatric physicians and surgeons.

House Committee on Health Care
Senate Committee on Health & Long-Term Care

Background: A podiatrist is a podiatric physician and surgeon of the foot.

The Podiatry Practice Act, first enacted in 1917, provides for the regulation of podiatrists through licensure by the Department of Health and the Washington State Podiatry Board. The practice act does not reflect current development in the field of podiatry nor modern standards with respect to terminology, educational qualifications, and other issues.

The Washington State Podiatry Board examines applicants for licensure as podiatrists and regulates the practices of podiatry. The only board office specified by statute is a chairperson. A quorum of the board is not defined. The board has no specific authority to approve podiatric schools.

Applicants for licensure must be over 18 years of age and of good moral character, must have completed high school, two years of college and an approved course in podiatry.

Applicants must take an examination administered by the board. The board may recognize experience as a credit toward the examination grade. There is no reference to the duty of the board to establish the date and location of the examinations.

Applicants for licensure who are licensed in other states must take the state podiatry examination as well as the national examination to be licensed in Washington.

The requirements for license renewal are specified in law. However, there are no provisions for placing a license on inactive status and no exemption from the licensure requirement for the administration of family remedies or treatment by prayer.

The podiatry practice act does not contain exemptions from civil or criminal liability for the secretary, board members, and their agents in the course of their duties.

Summary: References in the podiatry licensure act to practitioners of podiatry are changed from "podiatrists" to "podiatric physicians and surgeons." The name of the Washington State Podiatry Board is changed to the Washington State Podiatric Medical Board, and references to podiatry throughout the act are changed to podiatric.

The officers of the board include a vice-chairperson and secretary. A simple majority of the board currently serving constitutes a quorum. The board's powers are clarified to include the approval of podiatric schools.

Only a licensed person may engage in practice and represent himself or herself as a podiatric physician and surgeon. Applicants for licensure must submit proof that the applicant has not engaged in unprofessional conduct and has completed an approved course of instruction. The minimum age requirement and the requirement of a high school diploma with two years of college prior to a course in podiatry is deleted.

The board must establish the date, location, and application deadline for examinations. Applicants must pass both the national Board of Podiatry examination and the state examination, but the board may approve an examination prepared by a private testing agency or licensing authority. The applicant's experience may no longer count as credit toward the examination grade.

Applicants who are licensed in other states may receive a license without examination if the standards of the other state are substantially equivalent to Washington standards.

The board must establish by rule the requirements for license renewal. Provisions are added for placing a license on inactive status. Licensure is not required for the administration of family remedies or treatment by prayer.

The secretary of health is authorized to set fees, establish forms and maintain records. The secretary, members of the board, and their agents are exempted from civil or criminal liability for acts performed in the course of their duties.

The act is updated to reflect current terminology, and statutes are repealed that conflict with these changes.

Votes on Final Passage:

House	98	0
Senate	46	0

Effective: June 7, 1990

Partial Veto Summary: The veto removed a section of the bill duplicating existing law that provided immunity from legal liability for members of the state Podiatric Medical Board for acts performed in the course of their duties. This immunity is already granted in state law for members of professional health-related regulatory boards. (See VETO MESSAGE)

HB 2797

PARTIAL VETO

C 59 L 90

By Representatives R. Fisher, McLean, Horn, Anderson and Todd

Rearranging provisions relating to candidacy and changing provisions relating to ballot forms and voting equipment.

House Committee on State Government
Senate Committee on Governmental Operations

Background: The Election Code specifies the forms to be used for filing for elective office. It requires position numbers to be established for offices at least 10 days before the filing period for those positions. When filing for office, a candidate must specify his or her name as the candidate wishes it to appear on the ballot. The code prohibits a candidate from using a false or misleading name. It also generally prohibits a candidate from using any title designating his or her occupation.

The names of candidates for a nonpartisan office, other than a judicial office or the office of the Superintendent of Public Instruction, must appear on the primary ballot in alphabetical order. The order of the names of candidates for the office of freeholder are to be rotated at the polls.

The Election Code provides detailed instructions for designing the layout for ballots to be used for voting by paper ballot, voting machine, or voting device. Procedures specifically tailored to the use of each of these means of voting are prescribed by the code. Procedures to be used in tallying votes and sealing and transporting containers of voted ballots also are prescribed by the code. The secretary of state is authorized, within certain guidelines established by law, to examine and test voting equipment. Counties may use only voting equipment certified as being approved for use in this state.

Summary: Filing for Office. The provisions of the Election Code regarding filing for office are consolidated into a new chapter in the code. Various procedural details regarding filing for office are removed from the code (such as the format for declarations of candidacy and means of differentiating, on the ballot, candidates with similar last names) and the secretary of state is granted the authority to adopt rules providing for them. Provisions are repealed that establish a procedure for requesting a meeting with the elections officer regarding misleading or similar names of candidates. No candidate may use a nickname on the ballot that denotes the candidate's political affiliation or position on issues.

If a "short term" for an office is created after the close of the filing period, the declarations of candidacy and fees filed for the office during the normal filing period apply to the "short term" for the office as well. There is no filing fee for a write-in candidacy. The county auditor may permit a candidate for precinct committee officer to withdraw his or her candidacy at any time under certain circumstances.

Order of Candidates' Names. The order of the names of candidates for a city, town, or special purpose district office on the official primary ballot, as well as on the sample and absentee ballots, is to be determined by lot. If a primary is not conducted for such a nonpartisan office, the order of the names of the candidates on the general election ballot is determined by lot. The names of candidates for the position of freeholder are no longer required to be rotated at the primary.

Thirty days (rather than 10 days) before the filing period, position numbers must be established for multiple offices with the same name, district number, or title. With the exception of those for the justices of the Supreme Court, the position numbers assigned must reflect, whenever possible, the numbers used to designate those positions at the last full-term election for the offices.

Voting Equipment and Ballots. The terms "ballot," "voting system," "voting device," and "vote tallying system" are given more general definitions. The provisions of the Election Code specifying the layout or testing of these items and the procedures to be followed in using them are consolidated and made more general in nature. The authority of the secretary of state to establish rules regarding such testing, layout, and procedures is expanded.

Equipment and Tallies. The secretary of state must adopt rules to establish standards for the design and production of ballots, the testing of the programming of vote tallying software for specific elections, the preparation and use of each type of voting system, procedures to be used at counting centers using tallying systems, and the accurate tabulation and canvassing of ballots. The secretary must also adopt rules to ensure the secrecy of a voter's ballot when a small number of ballots are counted and rules governing the transportation of sealed containers of voted ballots or sealed voting devices. The secretary may by rule provide exceptions to the general requirement that the tabulation of ballots at a polling place or counting center proceed, on an election or primary day, until all of the ballots cast at the polls have been tabulated.

Within certain standards established by law, the secretary must also provide for the examination and testing of voting systems for certification for use in this state. Except for functions or capabilities unique to this state, the secretary may not certify for use in Washington a voting device or vote tallying system that has not been tested, certified, and used in at least one other state or election jurisdiction. The secretary may rely on the results of independent design, engineering, and performance evaluations in the examination of voting systems if the source and scope of these evaluations are specified by rule.

A system that is purchased or leased by a county must pass an acceptance test prescribed by the secretary by rule to demonstrate that it is identical to that certified by the secretary and that it is operating correctly as delivered to the county.

Ballot Format. The provisions of law specifying many of the details regarding the layout of and printing on ballots are repealed. The provisions listing the order of the candidates in a primary or election are retained, although the placement of the names of candidates for the office of superintendent of public instruction is altered. These candidates are now to be listed near the candidates for other state-wide offices. Provisions of law providing for the canvassing of votes for multiple, unnumbered positions of an office at a single election are repealed. The secretary must adopt rules regarding the preparation of sample ballots by class AA counties.

Polling Place Procedures. Deliberately impeding other voters from casting their votes by refusing to leave a voting booth or device is a misdemeanor. Provisions of law are repealed that prohibit a voter from remaining in a voting machine booth more than two minutes or in a voting compartment more than five minutes. Precinct election officers may provide assistance to any voter who requests it. Although a voter may take materials into a voting booth to assist the voter, the voter may not use the material to electioneer and may not leave it at the polls.

Sealed containers of voted ballots may be picked up from a polling place for delivery to a counting center more than once during a primary or election. Unused ballots must be identified as such and returned to the auditor.

Provisions of law are repealed that require the stringing of paper ballots for the canvass; prohibit the counting of paper ballots during polling hours unless at least 10 ballots are to be counted; require returns to be sent by certified mail to the county auditor; require the keeping of two sets of poll lists and related material; establish the forms of the oaths to be signed and sent with counted ballots; and require the posting of unofficial returns.

Implementing Rules. The secretary must publish proposed implementing rules by December 15, 1991.

Other. A primary for the office of school board director in a school district of the first class is no longer required if only two candidates file and if the district is within a city with a population of 400,000 or more in a Class AA county.

Following a nonpartisan primary, a candidate's name may be printed on the general election ballot only if the candidate received at least one percent of the total votes cast for the office. The length of time given to the secretary of state for certifying the names of candidates for placement on primary or election ballots is shortened. An election official may limit the number of observers during a recount under certain circumstances. Although instruction is still required for precinct election officials and persons working in counting centers, certificates of instruction are no longer required.

Provisions of the Election Code are repealed that require local governments to certify to the auditor the list of offices to be voted on, require the governor to issue a proclamation regarding the state-wide offices to be voted on, require the retesting of vote tallying equipment just before the equipment is used to count votes, and prescribe certain methods for transporting sealed containers of voted ballots.

County auditors may hire persons to prepare and maintain voting systems. A requirement that custodians of voting machines be selected from political parties in certain instances is repealed.

Votes on Final Passage:

House	96	0
	47	0

Effective: July 1, 1992
June 7, 1990 (Sections 7 and 97)

Partial Veto Summary: The governor vetoed section 73 regarding a system established by current law for determining the order in which the names of candidates for district court judge are to appear on ballots. The governor left intact provisions of the bill reenacting this system for all judicial offices. (See VETO MESSAGE)

SHB 2801

C 190 L 90

By Committee on Commerce & Labor (originally sponsored by Representatives Forner, Vekich, Smith, Cole, Walker, Bowman, Leonard, Prentice, Fuhrman, May, Brough, Ferguson, Betrozoff, Winsley, Chandler, Wolfe, Horn, Moyer, Brumsickle, Silver, Nealey, Youngsman, Miller and Wood)

Clarifying the definition of collection agencies.

House Committee on Commerce & Labor
Senate Committee on Economic Development & Labor and Financial Institutions & Insurance

Background: Collection agencies are regulated by statute. A "collection agency" is: anyone who solicits claims for collection or who collects claims owed or asserted to be owed to another person; any person who furnishes or sells forms represented to be a collection system or scheme; or anyone who, in attempting to collect his or her own claim, uses a fictitious name. A "collection agency" is not an individual soliciting or collecting claims on behalf of his or her employer. A "collection agency" is also not a person whose collections are carried on in his or her true name and are confined to the operation of a business other than that of a collection agency. Several occupations are specifically declared not to be collection agencies.

There is no exception made for accountants and bookkeepers who, on behalf of another person, prepare or mail monthly or periodic statements of accounts due when all payments are made to the other person.

Summary: The definition of "collection agency" is amended to exclude any person who on behalf of another person prepares or mails monthly or periodic statements of accounts due if all payments are made to the other person and no other collection efforts are made by the person preparing the statements of account.

"Statement of account" means a report setting forth only the amounts billed, invoices, credits allowed, or aged balance due.

Votes on Final Passage:

House	95	0	
Senate	46	0	(Senate amended)
House	96	0	(House concurred)

Effective: June 7, 1990

HB 2802

C 206 L 90

By Representatives Todd, Fraser, McLean, Belcher, Locke, Brumsickle and Silver; by request of Department of General Administration

Enlarging the department of general administration transportation management authority.

House Committee on State Government
House Committee on Capital Facilities & Financing
Senate Committee on Governmental Operations and Ways & Means

Background: In March 1989, the director of the Department of General Administration (GA) convened a transportation work group with representatives of state and legislative agencies, local transit, and local governments in Thurston County to identify transportation and parking issues in the Thurston County region, and to recommend possible collaborative solutions. The work group's interim report includes recommendations for: location selection criteria for state facilities located off the capitol campus that take transit and access into account; ways to improve parking management, in particular to deal with the loss of parking due to construction of the new East capitol campus facilities; and possible initiatives to enhance overall transportation management, such as developing alternatives to single-occupancy vehicles and coordinating planning between the state and local governments.

Under current law, GA has authority to control traffic and regulate parking on the state capitol grounds and at the East capitol campus site, but not at leased facilities elsewhere in the county or state. State offices housing 17,000 employees are scattered at over 220 locations in Thurston County, most in leased facilities.

GA sets rates for parking on the capitol campus and East capitol campus site, with the proceeds going to the State Capitol Vehicle Parking Account. The rates are to be "equitable and consistent," and take into account the market rate of comparable privately owned rental parking. Fees collected in the account go to debt service on revenue bonds for parking facilities. Any interest accrued on the account balance goes to the general fund.

Summary: The general purpose of the act is to give the Department of General Administration authority to develop parking and transportation management programs, ensure improved access to state government by customers, employees, and visitors, and promote alternatives to the single-occupant automobile in a cost-effective and coordinated manner.

The director of GA is given the following responsibilities:

1) To develop and implement a comprehensive state agency transportation and parking management program, in consultation with state agencies, employees, local and regional governments, and businesses;

2) To implement alternatives to the single-occupant automobile;

3) To provide transportation and parking criteria in the development of new or renovated state facilities; and

4) To establish standards for the management and allocation of parking spaces, including a system of rates that is fair and equitable and takes market rates into consideration.

An operational unit to carry out the assigned responsibilities is established in the department, but the director may also choose to delegate to a state agency the authority to develop parking criteria and standards for managing and allocating parking.

The director must establish fees and charges for parking and transportation programs. Revenues collected from parking fees on the capitol campus must be applied first to debt service as specified in revenue bonds issued for new parking facilities. Any excess revenue and any revenue from fees other than fees for parking on the capitol campus go to the newly created Transportation and Parking Management Account. GA administers the account, which may be spent only after appropriation. The funds in the account must be used for operation and administration of transportation and parking programs administered by GA or by other state agencies as part of the overall management program. Revenues collected for programs that are administered by state agencies must be applied to the program for which they were collected.

The provision of law creating the State Capitol Vehicle Parking Account and assigning GA responsibility for establishing employee parking fees on the capitol grounds and the East capitol campus site is repealed.

The provisions of this bill are null and void unless funding is specifically provided for them in the Supplemental Operating Budget.

Votes on Final Passage:

House	95	0	
Senate	47	0	(Senate amended)
House	94	0	(House concurred)

Effective: This act is null and void as no appropriation was made in the Supplemental Operating Budget.

HB 2808

C 191 L 90

By Representatives H. Myers and Appelwick

Changing the requirements for appointing court commissioners.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The state constitution authorizes up to three superior court commissioners in each county. Court commissioners are appointed by the elected superior court judges, and may perform most of the functions of judges, although commissioners' decisions are "subject to revision" by a judge.

A statute requires that a commissioner must be a citizen of the United States, and a resident in the county of the court to which he or she is to be appointed.

In at least one smaller county, the judges of the superior court have had difficulty in finding a qualified person within the county to serve as a commissioner.

Summary: The residency requirement for superior court commissioners is removed.

Votes on Final Passage:

House	98	0	
Senate	48	0	(Senate amended)
Senate	43	0	(Senate receded)

Effective: June 7, 1990

SHB 2809

C 150 L 90

By Committee on Judiciary (originally sponsored by Representatives H. Myers, Brough, Jones, Tate, Rasmussen, Rector, Forner, Padden, D. Sommers, Cooper, Beck, Dorn, Holland, Morris, Wineberry, R. King, Day, Spanel, P. King, Raiter, Scott, Schoon, Pruitt, Fraser, G. Fisher, Basich, Bowman, Moyer, Dellwo, Peery, Ebersole, Zellinsky, Kremen, Vekich, Belcher, Kirby, Rayburn, May, Winsley, Brumsickle, Doty, Ferguson, Smith, Wolfe, Silver, Bennett, McLean, Todd, Leonard, Sprenkle, Youngsman, Miller, Brekke, Jacobsen, Wood and Van Luven)

Allowing certain child abuse victims to testify through closed-circuit television.

House Committee on Judiciary
House Committee on Appropriations
Senate Committee on Law & Justice

Background: State and federal constitutions provide that an accused criminal defendant has the right to confront witnesses against him or her. Some states have tried to protect younger children who are victims of sexual or physical abuse from trauma caused by having to testify in front of the defendant or the jury. In 1988, the United States Supreme Court struck down as unconstitutional a statute that allowed a barrier between the child and the defendant. The concurring opinion in the case suggested that states could, in limited circumstances, and after making particularized findings of necessity, use devices to try to protect child witnesses. Since then, some states have fashioned statutes modeled after the approach suggested in the supreme court's opinion, including allowing the child to testify via closed circuit television. Some state courts have upheld those statutes. The United States Supreme court recently accepted review of a case involving the application of one state statute that allows a child to testify via closed circuit television in order to avoid trauma. A lower court struck down the application of the statute in the case because the trial court judge did not determine whether the source of the trauma was the defendant.

Summary: In cases of sexual or physical abuse where the victim is a child under 10, the court may, under certain circumstances, allow the child to testify outside the presence of the defendant and/or the jury via closed circuit television.

The court may allow the child to testify outside the presence of the defendant if it makes certain findings in a hearing conducted outside the presence of the jury. The court must find that requiring the child to testify in front of the defendant will cause the child to suffer serious emotional or mental distress that will prevent the child from reasonably communicating at the trial. If the defendant is to be separated from the child at trial then the jury must also be separated from the child.

A court may also allow a child to testify outside the presence of the jury but in the presence of the defendant. To allow separation from the jury, the court must find that requiring the child to testify in front of the jury will cause the child to suffer serious emotional or mental distress that will prevent the child from reasonably communicating at trial or, even if the child can communicate, that the child will be traumatized.

The court must balance the strength of the state's case without the testimony of the child against the

defendant's constitutional rights. The court must also determine if a less–restrictive alternative exists to protect the child.

The court must also find that the prosecutor has made all reasonable efforts to prepare the child for testifying, such as giving the child court tours, and informing the child's guardians about counseling services. If the prosecutor did not make those efforts, the court must deny the motion.

The court must conduct a hearing before trial to determine whether the presence of the defendant or the jury is the source of the trauma, and must limit the use of the closed circuit television at trial accordingly. If prior to this hearing, the prosecutor alleges and the court concurs that the defendant's presence is probably the source of the trauma, then at the hearing the court may conduct the examination of the child outside the presence of the defendant by using the closed circuit television.

The prosecutor, defense attorney, and a neutral and trained victim's advocate must always be in the room with the child when closed circuit television is used. The court may decide to remain in the room with the child or to preside over the courtroom. All the parties in the room with the child must be on television if possible, otherwise the court must describe for the viewers the location of the parties in relation to the child.

This option of using closed circuit television is not available in identification cases nor if the defendant is acting as his or her own attorney.

Votes on Final Passage:

House	98	0	
Senate	38	10	(Senate amended)
House	94	0	(House concurred)

Effective: March 23, 1990

SHB 2831

PARTIAL VETO

C 287 L 90

By Committee on Higher Education (originally sponsored by Representatives Jacobsen, Van Luven, Ebersole, Kirby, Sayan, Rector, Anderson, Dellwo, Inslee, Prentice, Wang, Belcher, Sprenkle, Miller, Rayburn, Basich, P. King, Crane, Wineberry, Winsley, Ferguson, Leonard and Wood)

Establishing the American Indian endowed scholarship program.

House Committee on Higher Education
House Committee on Appropriations
Senate Committee on Higher Education and Ways & Means

Background: American Indians and Alaskan Natives constitute about 1.5 percent of Washington's population, according to 1986 Census Bureau data. These students are enrolled in the state's colleges and universities at about the same percentage. However, American Indians participate in significantly larger percentages in lower division courses than in upper division and graduate level programs. American Indians and Alaskan Natives comprise about 2 percent of community college enrollment, 1 percent of enrollment in four–year institutions, and .6 percent of enrollment in graduate and professional programs.

A recent national study found that only a third of the American Indian students who enroll in college obtain a degree. More than half of the students who drop out do so in their freshman year. The study found that the greatest difficulties facing American Indian students were limited financial resources, inadequate preparation, and difficulties in adjusting to a campus environment.

The state of Wyoming has attempted to help American Indian students through matching $500,000 in state funds with $500,000 of tribal moneys provided by the Northern Arapaho tribe. The combined funds were used to create an endowed scholarship fund. The earnings of the fund are being used to provide scholarships for Northern Arapaho students enrolled in upper–division and graduate level programs.

Summary: The Legislature finds that American Indians are underrepresented in higher education. The Legislature intends to help rectify past discrimination by creating an endowed scholarship program for American Indian students.

The American Indian Endowed Scholarship Program is created. The program will be administered by the Higher Education Coordinating Board. The board's program powers and duties are described. These include selecting students with the help of a screening committee, adopting rules and guidelines, and publicizing the program. The board will also solicit and accept grants and donations, deposit donations into the endowment fund, and receive moneys from the state treasurer for funding the scholarships. The board will name the scholarships in honor of American Indians from Washington who acted as role models.

The board will design the program and establish student selection criteria with the help of an advisory committee. The selection criteria will include a priority for upper–division or graduate students. The criteria

may include a priority for students majoring in program areas in which expertise is needed by the state's American Indians.

The advisory and the screening committees will be composed of people involved in helping American Indians to obtain a higher education. The committees may include, but are not limited to representatives of: Indian tribes, urban Indians, the governor's Office of Indian Affairs, the Washington State Indian Education Association, and institutions of higher education.

American Indians who are needy resident students and who are enrolled full time at a public or accredited independent college or university are eligible to participate. Participants must be willing to use their education to benefit other American Indians.

The board may award scholarships from funds received from any source, including appropriated funds, private donations, or earnings on the American Indian Scholarship Endowment fund. An undergraduate student will receive a scholarship that does not exceed the student's demonstrated financial need. A graduate student will receive either an amount up to the student's demonstrated need, or the stipend of a teaching assistant at the University of Washington, whichever is higher. The method of calculating need is described. The amount of the scholarship is limited to the amount received by a student attending a state research university. Each student may continue to receive a scholarship for five years, at the discretion of the board.

The American Indian Endowed Scholarship Trust Fund is created. The fund will be administered by the state treasurer. Appropriated money will be deposited in the trust fund and invested by the treasurer. The treasurer will transfer $500,000 from the trust fund to the American Indian Scholarship Endowment Fund at the request of the Higher Education Coordinating Board. The board may make that request when it has received private cash donations of at least $500,000. Private donations are defined as moneys from nonstate sources, including federal funds, tribal moneys, and assessments by commodity commissions.

The American Indian Scholarship Endowment Fund is established. The endowment fund will also be administered by the treasurer. Private donations, state matching funds, and money received from any other source will be deposited into the endowment fund. The treasurer will invest the money in the fund and release its earnings to the board for scholarships. The principal of the endowment fund must not be invaded. No appropriation is necessary for expenditures from either the trust fund or the endowment fund.

Votes on Final Passage:

House	91	6	
Senate	48	0	(Senate amended)
House	94	0	(House concurred)

Effective: June 7, 1990

Partial Veto Summary: The governor vetoed the section that made the program null and void unless funding for it was provided in the Supplemental Omnibus Appropriation Act by June 30, 1990. (See VETO MESSAGE)

HB 2832

C 261 L 90

By Representatives Youngsman, Rayburn, McLean, Doty and Nealey

Revising provisions for horticultural plants and facilities.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: The horticultural nursery dealer statutes are administered by the Department of Agriculture. These statutes levy an annual assessment on fruit trees, fruit tree seedlings, and fruit tree rootstock. The assessments and inspection fees collected under the statutes are to be used for certification and nursery improvement programs, including those for testing and improving fruit trees.

Violations of these statutes or the rules adopted under them are simple misdemeanors, and, for subsequent offenses, gross misdemeanors. In lieu of this penalty, a person who conducts certain activities without a license or permit is subject to a civil penalty of not more than $200.

Summary: Penalties. The maximum amount of the civil penalty that may be levied by the director of Agriculture under the horticultural nursery dealer statutes is increased from $200 to $1,000. Rather than applying only to persons conducting certain activities without a license or permit, the penalty now applies to any violation of the nursery dealer statutes or the rules adopted under them. It also now applies to any person who aids or abets in a violation.

Assessments. The plants that are subject to assessment under the nursery dealer statutes now include nursery stock of fruit tree related ornamental trees of certain specified genera. In general, such assessments are based on the first sale price of the stock. The plant certification and nursery improvement programs

funded by the assessments are expanded to include those for fruit tree related ornamental trees.

Fees Due. Fees for inspections conducted under these statutes are due upon billing by the Department of Agriculture, rather than due the next business day after the inspection. A late fee is established for payments that are overdue. In addition, the director may refuse to provide services under the nursery dealer statutes to persons whose payments are overdue.

Other. The authority expressly granted to the director to condemn horticultural plants under the nursery dealer statutes is expanded.

The composition of the advisory committee established by the nursery dealer statutes to oversee their administration is altered. The association officeholders are no longer designated as members but must be consulted in the appointment of those members who are to represent the industry. Committee members serve three–year terms.

Conservation districts are included among the groups that may conduct certain limited sales of horticultural plants without obtaining a license. The fees for the permits that these groups must secure in lieu of licenses are to be determined by the director by rule.

The labeling requirements for shipments and units of sale of horticultural plants are altered.

Votes on Final Passage:

House	95	0	
Senate	45	0	(Senate amended)
House	93	0	(House concurred)

Effective: June 7, 1990

HB 2840

C 266 L 90

By Representatives R. Fisher, Schmidt and R. Meyers

Creating the position of executive director of the county road administration board.

House Committee on Transportation
Senate Committee on Transportation

Background: In 1948, a comprehensive study of the county road program was conducted. The report identified a number of deficiencies. In 1962, another study was undertaken and the findings indicated that the county road programming deficiencies had not been corrected. After further studies, legislation was passed in 1965 creating the County Road Administration Board (CRAB).

The legislation provided for the appointment of a county road administration engineer to be the chief executive officer for the new board. The responsibilities of this position were specifically related to county road planning and engineering standards for construction and maintenance. Logically, the position required a licensed professional engineer with experience as a county engineer.

Both the role of CRAB and the responsibilities of the county road administrative engineer, who has a major role in overall state transportation policy, have expanded over the years.

Summary: The requirement that the administrator for the County Road Administration Board be a licensed professional engineer with experience in county engineering is eliminated. The title is changed from county road administration engineer to executive director. The executive director is exempt from civil service and the salary is set by the board.

Votes on Final Passage:

House	98	0
Senate	44	0

Effective: June 7, 1990

HB 2842

C 24 L 90

By Representatives Hine, G. Fisher, Brooks, Sprenkle, Zellinsky, Prentice, R. Fisher, Sayan, Ballard, Moyer, Todd, Anderson, Winsley, Heavey, Ferguson, Rasmussen and Wineberry

Permitting more discretion in granting disabled parking permits.

House Committee on Transportation
Senate Committee on Transportation

Background: Persons with special parking privileges are entitled to park for unlimited periods of time and free of charge in spaces reserved for the disabled, in public zones, and in metered parking areas. The original intent of the law was to aid persons for whom travel was impossible or impractical. The program is administered by the Department of Licensing.

Special parking privileges are available for individuals with specific mobility impairing disabilities such as the loss of limbs, lung or heart disease, or the need to use a wheelchair or crutches.

Summary: The disabled parking privilege is extended to persons who suffer from an acute sensitivity to automobile emissions that impairs the ability to walk. The physician of a person suffering such a sensitivity must document that the impairment is comparable in severity to current qualifying disabilities.

Votes on Final Passage:
House 93 0
Senate 49 0

Effective: June 7, 1990

HB 2850

C 53 L 90

By Representatives Raiter, Doty, Cantwell, Rayburn and Wineberry

Revising provisions for the Washington economic development finance authority.

House Committee on Trade & Economic Development
Senate Committee on Economic Development & Labor

Background: The Washington Economic Development Finance Authority (WEDFA) was established in 1989 to help small and medium–sized businesses meet their capital needs. WEDFA is administered by a 15 member board: three members representing the Department of Trade and Economic Development, the Department of Community Development, and the state treasurer; four legislators; and eight members from the general public appointed by the governor. Three of the public members must be from Eastern Washington. The Department of Trade and Economic Development provides the staff for WEDFA, although the staff cannot issue nonrecourse bonds or make credit decisions.

WEDFA is authorized: to develop programs to fund export transactions for small businesses that cannot get commercial loans from private lenders at competitive rates and terms; to provide advance or up front financing for economic development to farmers based on their subsidy from the federal government for not growing crops; to pool loans guaranteed by the federal Small Business Administration or the Farm Home Administration; to access federal development finance programs; and to provide advice and technical assistance to Industrial Development Corporations. WEDFA is also authorized to engage in a broad range of activities to assist businesses, as long as the activity is within policy guidelines specified in statute.

WEDFA may not lend state credit, issue bills of credit, take deposits, or finance housing, health care facilities, or educational facilities that are financed through other statutory commissions or authorities. WEDFA is authorized to issue nonrecourse bonds. These bonds are not obligations of the state.

Summary: Changes are made to the Washington Economic Development Finance Authority (WEDFA). These changes are:

The prohibition in the intent section of the enabling legislation regarding WEDFA using "public" funds is changed to "state" funds;

The WEDFA board is expanded from 15 members to 18 members. The director of the Department of Agriculture is added, as well as two members from the general public. Minority–owned and women–owned businesses must be represented on the board;

The requirement that WEDFA only be allowed to borrow money for board member expenses from the Department of Trade and Economic Development for the first year of its operation is removed. Also, the provision limiting annual administrative expenses to 5 percent of funds received is removed;

The provision allowing the finance authority to pool loans guaranteed by the federal Small Business Administration and the Farm Home Administration is expanded to allow pooling of any loans guaranteed by the federal government;

The provision that allows WEDFA to assist businesses is expanded to include farm enterprises; and

The provisions dealing with Industrial Development Corporations are removed.

Votes on Final Passage:
House 98 0
Senate 49 0

Effective: June 7, 1990

SHB 2854

C 279 L 90

By Committee on Local Government (originally sponsored by Representative Cooper)

Ratifying procedures used by certain counties for contracts for solid waste systems.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Legislation was enacted in 1986 relating to public works contracts that, among other things, established an alternative process by which counties could contract for the "design, construction, or operation of systems and plants for handling solid waste."

Legislation was enacted in 1989 relating to the procurement of local government solid waste facilities and services that, among other things, amended the 1986 legislation to clarify the process by which counties could establish such contracts. This 1989 act deleted inconsistent language in the 1986 act.

Prior to 1989, Clark County used this alternative procedure to award a contract for the procurement of solid waste handling facilities and services. Some legal question has arisen over the use of this alternative procurement procedure.

Ten counties, including Clark County, have populations of over 100,000.

Summary: Any county with a population of 100,000 or more shall be deemed to have complied with the 1986 version of the alternative procedure for counties to procure solid waste facilities and services if, prior to the 1989 amendment to this procedure, the county complied with this procedure as clarified in 1989.

Votes on Final Passage:

House	92	2	
Senate	33	15	(Senate amended)
House	91	3	(House concurred)

Effective: March 29, 1990

HB 2855

C 215 L 90

By Representatives Ferguson, Phillips, Cooper, Wood and Haugen

Changing provisions relating to lessee improvements to municipal airports.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Port districts are authorized to provide airports and other air navigation facilities, and to lease such space and improvements.

Summary: Port districts are authorized to permit the lessees of their airport space and improvements to construct, alter, or improve the leased premises, at the lessee's cost, and to reimburse the lessees for such cost, if paid solely out of funds fully collected from the district's tenants.

Votes on Final Passage:

House	98	0
Senate	45	1

Effective: June 7, 1990

SHB 2858

C 125 L 90

By Committee on Commerce & Labor (originally sponsored by Representatives Cole, Smith, R. King, Wolfe, Leonard, Jones, Vekich, Prentice, Walker and Van Luven)

Authorizing business entertainment practices for liquor importers, wholesalers, or manufacturers.

House Committee on Commerce & Labor
Senate Committee on Economic Development & Labor

Background: Under the "tied-house" law, liquor manufacturers, importers, and wholesalers are prohibited from advancing moneys or moneys' worth to licensed retailers. The Liquor Control Board has interpreted this provision (based on an Attorney General opinion) to be an unqualified prohibition against gifts, such as food and sports tickets.

In 1989, a bill was introduced that would have allowed liquor manufacturers, importers, and wholesalers to provide to licensed retailers and their employees: food and beverages for consumption at a meeting at which the primary purpose is the discussion of business; tickets or admission fees for athletic events or other forms of entertainment in the state, and food and beverages for consumption at such events, if the manufacturer, importer, or wholesaler accompanies the retailer to the event; and transportation to and from allowed activities in the private vehicle of the manufacturer, importer, or wholesaler. The bill passed both houses of the Legislature but was vetoed by the governor.

Summary: Liquor manufacturers, importers, and wholesalers may provide to licensed retailers: food and beverage for consumption at a meeting at which the primary purpose is discussion of business; tickets or admission fees for athletic events or other forms of entertainment, and food and beverages for consumption at such events, as long as the manufacturer, importer, wholesaler, or its employees accompany the retailer to the event; and local ground transportation, to and from allowed activities. These provisions expire on June 30, 1995.

Votes on Final Passage:

House	89	4
Senate	41	6

Effective: June 7, 1990

HB 2859

C 252 L 90

By Representatives Todd, Ebersole, Padden and Wolfe

Making changes in county legislative authority.

House Committee on State Government
Senate Committee on Governmental Operations

Background: Article XI, Section 4 of the state's constitution requires the Legislature to provide for a uniform system of county government. Article XI, Section 4 and Section 16 also authorize county voters to adopt "Home-Rule" charters different than the uniform system established by the Legislature.

The Legislature has by statute directed that the legislative authority of the counties be three-member boards of commissioners. Under this organization of county government, each county is divided into three commissioner districts. Except in certain island counties, commissioners are nominated at district-wide primaries; they are elected at county-wide elections.

The Legislature has by statute also classified the counties by their population. The elective offices of the counties and certain other provisions applying to counties vary based on these classifications.

Summary: The board of commissioners of a noncharter county with a population of 300,000 or more may submit a ballot proposition to the voters of the county authorizing the board of commissioners to be increased to five members. Such a ballot proposition may be placed before the voters of any noncharter county by a petition signed by at least 10 percent of the county voters voting at the last county general election. At least 20 percent of the signatures on such a petition must come from each of the existing commissioner districts.

If the ballot proposition is approved by a majority of the voters at the general election, the board of commissioners is so expanded. The county must be divided into five commissioner districts. No two members of the existing board may reside in any one district. Each commissioner must reside in and must be nominated from a separate commissioner district. Each must be elected by the voters of the entire county.

Procedures are established for staggering the terms of the commissioners and for filling vacancies.

Votes on Final Passage:

House	90	8
Senate	49	0

Effective: January 1, 1993

SHB 2861

PARTIAL VETO

C 176 L 90

By Committee on Housing (originally sponsored by Representatives Leonard, Winsley, Ferguson, Padden, Nutley, Cooper, Rector, Horn, Anderson, R. Meyers, Inslee, Ballard and Todd)

Transferring the responsibilities for the regulation of manufactured housing.

House Committee on Housing
Senate Committee on Economic Development & Labor

Background: In 1988, the Legislature created the Office of Mobile Home Affairs in the Department of Community Development. The office serves as the coordinating office in state government for matters relating to mobile homes and manufactured housing. However, other state agencies, including the Department of Labor and Industries and the Department of Licensing, have authority to regulate mobile homes or manufactured housing. Clients receiving government services related to mobile homes and manufactured housing may be required to deal with several agencies.

Summary: The Department of Community Development (department) is responsible for performing all consumer complaint and related functions of the state administrative agency, including the preparation of the state administrative plan, that are required by the federal Department of Housing and Urban Development for manufactured housing. The department is responsible for these functions beginning on July 1, 1991.

The Department of Community Development may enter into state or local interagency agreements to coordinate manufactured housing site inspection activities with record monitoring and complaint handling. The interagency agreement may provide for the sharing of administrative revenues based upon each party's responsibilities.

The Department of Licensing must transfer all mobile home titling functions to the Department of Community Development by July 1, 1991.

The Department of Licensing, the Department of Labor and Industries, and the Department of Community Development must report to the Housing Committee of the House of Representatives and the Economic Development & Labor Committee of the Senate by July 1, 1990, regarding the progress being made to transfer the functions specified by the bill to the Department of Community Development. The report must also include recommendations, and list the advantages and disadvantages, on the transfer of

inspection functions performed by the Department of Labor and Industries, and on the training of local inspectors to perform these inspections. The report must be prepared in consultation with local governments.

Votes on Final Passage:

House	95	0	
Senate	46	0	(Senate amended)
House	94	0	(House concurred)

Effective: June 7, 1990

Partial Veto Summary: The provision requiring the affected agencies to make a progress report to the Legislature by July 1, 1990, was vetoed to allow more time for the agencies to compile the necessary information. (See VETO MESSAGE)

HB 2868

C 62 L 90

By Representatives Spanel, Haugen, S. Wilson and R. King

Changing provisions relating to sea urchin endorsements.

House Committee on Fisheries & Wildlife
Senate Committee on Environment & Natural Resources

Background: Fishers who harvest sea urchins need both a shellfish diver license and sea urchin endorsements. The shellfish diver license is issued to the owner of a vessel and allows the vessel to use divers to harvest shellfish.

The sea urchin endorsement was issued for the 1989–90 season under a license limitation program established in 1989. The license limitation program was established to limit the number of endorsements in an attempt to reduce the fishing fleet. Criteria were established for initial qualification that included: vessels holding a shellfish diver license during 1988 and 1989, and vessels landing 20,000 pounds of sea urchins between April 1, 1986, and March 31, 1988, which is two fishing seasons.

The director of the Department of Fisheries was given the authority to waive or reduce landing requirements on recommendation of a review board. This authority was given for future renewals and did not include the ability to waive or reduce them on initial qualification. Other license limitation programs have allowed the director to waive landing requirements on initial qualification.

Under this license limitation program, the Department of Fisheries received 136 applications for the sea urchin endorsement. The goal for the fishery was 45 endorsements. During the 1989–90 season, 62 vessels participated in the fishery, which included those that received endorsements under the initial qualification (47), those that were admitted by the board of review (11), and those that appealed a denial under the Administrative Procedures Act.

Summary: Legislative intent is clarified that one goal of the license limitation program for sea urchins is to allow those vessel owners who have historically participated in the fishery to continue to participate.

The director of the Department of Fisheries is given authority to waive landing requirements for initial qualification as well as for on-going eligibility. This authority is consistent with other license limitation programs.

The provision under the Administrative Procedures Act that allows vessel owners to continue harvesting under an existing license while they are involved in an appeal no longer applies to appeals involving sea urchin endorsements.

Votes on Final Passage:

House	95	0
Senate	39	6

Effective: March 15, 1990

HB 2882

C 265 L 90

By Representatives R. Fisher and Schmidt

Authorizing the department of transportation to approve emergency contracts.

House Committee on Transportation
Senate Committee on Transportation

Background: Under current law, the secretary of the Department of Transportation (DOT) may award emergency contracts without Transportation Commission authorization only when the contract amount is under $100,000.

When the contract amount exceeds $100,000, the Transportation Commission must find that the existing state highway is in jeopardy or is rendered impassible due to accident, natural disaster or other emergency. If the commission so finds, then it may authorize the DOT to award the contract on the basis of three written bids obtained without publishing a call for bids.

Whenever the commission finds it necessary to protect a highway facility from imminent damage or to

perform emergency work to reopen a highway, it may authorize the DOT to contract for that work on a negotiated basis at a rate not to exceed force account rates and for a period not to exceed 30 days.

Summary: Transportation Commission authorization is no longer required for emergency highway repair work.

The secretary of the Department of Transportation is authorized to make the necessary findings and to award contracts for emergency highway work. If the contract award exceeds $200,000, the secretary must review the approved contract with the Transportation Commission at its next regularly scheduled meeting.

Votes on Final Passage:

House	98	0
Senate	43	0

Effective: June 7, 1990

HB 2888

PARTIAL VETO

C 2 L 90 E1

By Representatives Appelwick, R. Meyers, Dorn, McLean, May and Wood

Establishing a new child support schedule.

House Committee on Judiciary
House Committee on Appropriations
Senate Committee on Law & Justice

Background: The Social Security Act Title IV-D requires the states to have a state plan for determining child support amounts. In 1987, Washington state created a child support commission to recommend a child support schedule to the Legislature before the 1988 legislative session. The commission recommended a child support schedule to the Legislature that was adopted in the 1988 legislative session and that took effect July 1, 1988. The Child Support Commission is scheduled to sunset on July 1, 1990.

The Schedule. The schedule is based upon an "income shares" model which combines the net incomes of the parents and determines respective parental support obligations based on the parent's percentage of the combined income. The support is calculated by reference to an economic table and to a set of standards.

Economic Table. For combined incomes of up to $7,000 per month, the table sets presumptive amounts of child support. The table varies with the number of children in a family and with the children's ages. The superior courts of the counties may adopt an economic table that varies from the commission's table by up to 25 percent for combined monthly incomes of $2,500 or more.

Standards. The law provides 16 standards for determining child support. These standards are:

1) The Washington Child Support Schedule is to be applied: (a) in each county of the state; (b) in both judicial and administrative proceedings; (c) in all proceedings in which child support is determined or modified; (d) for setting temporary and permanent support; and (e) for adjusting support orders.

2) The parents' obligation for support must be based on their combined net income, resources, and special child rearing costs.

3) Monthly gross income must include income from virtually any source. However, although certain welfare payments must be disclosed, they are not to be included in gross income, and may not be a reason to deviate from the schedule. Spousal maintenance or child support received from other relationships must be disclosed and considered under Standards 12 and 13, but may not be included in gross income.

4) Allowable deductions from gross income are income taxes, FICA, mandatory pension plan payments, and mandatory union or professional dues. Payment of child support or maintenance involving other relationships must be disclosed and considered under Standards 12 and 13, but must not be included as a deduction from gross income.

For self-employed persons, normal business expenses and self-employment taxes may be deducted. Justification is required for any business expense deduction about which there is disagreement.

Non-recurring overtime or bonus income may be separately identified and allowed as a discretionary deduction from gross income.

5) Tax returns for the preceding three years and current pay stubs must be provided to verify income and deductions. Other sufficient verification is required for income and deductions that do not appear on tax returns or pay stubs.

In the absence of income information to the contrary, a parent's income is to be based on the median income of year-round full-time workers as derived from the United States Bureau of Census, Current Population Reports.

6) The basic child support obligation derived from the table must be allocated between the parents based on each parent's share of the total family net income.

7) Ordinary health care expenses are built into the economic table. Expenses exceeding the amount set forth in the instructions must be considered extraordinary and must be shared by the parents in the same

proportion as the basic child support obligation. The table presumes that 5 percent of the basic support obligation is spent on ordinary medical care.

Day care and special child rearing expenses such as tuition and long-distance transportation costs are not included in the economic table. These expenses must be shared by the parents in the same proportion as the basic child support obligation and must be listed as a specific dollar amount.

The court may determine the reasonableness and necessity of extraordinary and special expenses.

8) When combined monthly net income is less than $600, a support order not less than $25 per month per child must be entered.

When combined monthly net income exceeds $7,000, child support must be determined by that amount from the table, together with an additional amount to be determined on an individual basis.

9) Neither parent's child support obligation may exceed 50 percent of net earnings unless good cause is shown. Good cause may include possession of substantial wealth, children with day care expenses, special medical, educational, or psychological needs, and larger families.

10) Basic child support must be allocated between the parents when a child stays overnight with the parent over 25 percent of the year. When this adjustment is sought, and the parents are not in agreement, the parent seeking the adjustment must provide evidence to demonstrate the parent's actual past involvement with the child. However, the support payment may not be reduced if there will be insufficient funds available to meet the basic needs of the child in the house receiving the support, or if the child is receiving AFDC payments.

11) The presumptive amount of support must be determined according to the schedule. Deviations must be explained in writing and supported by evidence. When reasons exist for deviation, discretion must be exercised in considering the extent to which the factors would affect the support obligation.

12) Reasons for deviation may include the possession of wealth, shared living arrangement, extraordinary debt, extraordinarily high income of a child, a significant disparity in the living costs of the parents due to conditions beyond their control, special needs of disabled children, and tax planning.

13) When there are children from other relationships, the schedule must be applied to the mother, father, and children of the relationship being considered. Deviations from the amount of support derived from this application may be based upon all the circumstances of both households. All income, resources, and support obligations paid and received must be disclosed and considered. Support obligations include amounts owed for children in and outside of the home.

14) The schedule is advisory and not presumptive for children who have attained the age of 18 and have completed their secondary education. (The law governing child support for children over 18 who want to attend college has developed in case law since 1926. The schedule did not supplant that case law. The courts have awarded child support for children over 18 who want to go to college, after considering a number of factors including the child's age, abilities, disabilities, expectations of the parties, the parents' resources, education level, and what opportunities the child would have had if the parents had stayed together.)

15) Wage income must be imputed for parents who are voluntarily unemployed or voluntarily underemployed. A parent will not be deemed underemployed as long as that parent is gainfully employed on a full-time basis. Income may not be imputed for an unemployable parent.

16) There must be full disclosure of each parent's household financial information. The worksheets must be completed under penalty of perjury and filed with the court.

Other Background. The parents must complete worksheets to calculate income and credits due and then use the table to determine the dollar amount of support.

No statutory mechanism exists for verification and reimbursement of day care, long distance transportation costs, or other extraordinary expenses.

Not more than once a year, a support order may be modified without a substantial change of circumstances. Such a modification is possible if the order in practice works a severe hardship on a party or a child, if the support was based on the child's age and the child is no longer in that age category, if the child is still in high school and a need exists to extend the support beyond the child's 18th birthday, or if the modification is to add an automatic adjustment of support pursuant to a court order. The court may require periodic adjustments of support. A motion for modification is commenced by filing a petition and financial affidavits. If the support obligation has been assigned to the state, the Office of Support Enforcement must be served.

The schedule for industrial insurance total disability benefits paid to injured workers includes a 2 percent increase for each child of the injured worker, up to five children. If the child is not in the custody of the injured worker, the percent of the benefits payable for the child is paid to the person having custody of the

child under a child support order. There is no provision allowing the injured worker credit against his or her child support obligations for the amount of industrial insurance benefits paid to the child's custodian. The social security administration also may pay social security disability benefits on behalf of an injured person's children.

The Department of Social and Health Services may file an action to modify a child support order if the child is receiving public assistance and the child support order is 25 percent or more below the appropriate amount in the schedule.

Under present law, a step parent who is obligated to support a step child remains obligated until termination of the marriage or upon death.

The parenting act's provisions governing dissolutions and modifications of decrees involving custody, visitation, child support or parenting plans, apply only to actions filed after December 31, 1987.

At present, no systematic collection of data occurs regarding the implementation and effect of the child support schedule. Also, actions filed for divorce, custody, or child support are not on standardized forms.

Summary: Definitions. Definitions are amended or added: "basic child support obligation" means the monthly obligation determined from the economic table based on the parties' combined monthly income, "standard calculation" means the amount of child support due before any deviation is considered, and "transfer payment" means the court ordered amount one parent is obligated to pay the other parent for child support.

The Table. The economic table adopted by the Child Support Commission remains in effect. The economic table will continue to be published in the Washington State Register.

Cap At The Upper End Of The Table. The cap on the table is lowered from $7,000 to $5,000 combined monthly net income. The court still may not set support at an amount lower than the presumptive amount for combined monthly incomes of $5,000, but may in its discretion set support at higher levels.

Cap At Lower End Of Table. The child support ordered may not reduce the monthly net income of the parent making the transfer payment to an amount lower than the federal needs standard except for a mandatory minimum payment of $25 in support, or if the court finds that reasons for deviation exist that warrant the reduction.

Gross Income Sources. Sources of gross income are the same as the current standards with the following changes: overtime is limited to mandatory overtime, pension retirement benefits are added, social security benefits are limited to social security retirement benefits, spousal maintenance actually received is added, and Veterans' Aid and attendance allowance is excluded. In addition to the other sources of income, monthly gross income for the preceding year includes voluntary overtime pay above 168 hours per month of regular time, income from employment in excess of a total of 40 hours per week to the extent the excess is derived from all jobs, nonrecurring bonuses, contract related cash benefits, gifts, and prizes, except to the extent that income from those sources exceeds the average income from those sources for the second and third years preceding the commencement of the action.

Deductions From Gross Income. Amounts that may be deducted from gross income are the same as the current standards with the following additional deductions: 1) Court ordered spousal maintenance to the extent actually paid, 2) child support payments for children of other relationships, and 3) up to $2,000 per year in voluntary pension plans if the contributions were made for three consecutive years prior to the commencement of the dissolution. The court can order or the parties can agree which parent may take the federal income tax deduction for dependents.

Income of a new spouse or other adults in the household, child support received from other relationships, and income excluded from voluntary overtime, other jobs, gifts and prizes, bonuses, and contract related cash benefits that are not included in gross income, may be a reason to deviate from the standard calculation.

Day Care, Long Distance Transportation, Extraordinary Expenses. An express statement is added that day care, long distance transportation, and other extraordinary expenses that are not included in the table are to be shared in the same proportion as the basic support obligation.

Deviations. Once the standard calculation and each parent's proportionate share of that obligation is determined, the court may then consider whether appropriate reasons exist to deviate from the standard calculation for one or both parents. These reasons for deviation are applicable whether or not there are children from other relationships. Reasons for deviation include the following: possession of wealth, shared living arrangements, extraordinary debt that has not been voluntarily incurred, extraordinarily high income of a child, a significant disparity in the living costs of the parents due to conditions beyond their control, and special needs of disabled children.

Deviations When There Are Children From Other Relationships. If the court has allowed a deduction from gross income for court ordered child support for

children of other relationships not before the court, those children for whom the deduction was allowed cannot be a reason to deviate from the child support ordered for the children of the parties before the court. If a parent has children from other relationships for which no court order for support exists, such as children born into a subsequent marriage, the court may consider the support of those children as a reason to deviate from the child support amount for the children of the parties before the court. Deviations must be based on all the circumstances of both households.

Residential Credits. Current law that provides for residential credits to reduce the transfer payment after the child spends over 90 overnights with the parent obligated to make the transfer payment, is stricken. The court may deviate from the standard calculation if the child spends a substantial amount of time with that parent.

Postsecondary Education. The court may order postsecondary education support as provided under the current law with the following changes: The child must be actively enrolled in school and pursuing a course of study and in good academic standing as defined by the institution, or the support may be suspended during the time of noncompliance. The court may not order support beyond the age of 22 except for exceptional circumstances such as physical, mental, or emotional disabilities. The court may in its discretion order that the payments be made to the parent who received support when the child was under 18, to the educational institution, or to the child.

Reimbursement For Day Care, Transportation, Extraordinary Health Care and Extraordinary Costs. Parents making payments for day care, extraordinary health care expenses, transportation costs, and other extraordinary expenses, are entitled to reimbursement for the other parent's proportionate share of the expense. The parent responsible to reimburse the other parent is entitled to receipts to verify the expenditures. Reimbursement for transportation costs, extraordinary health care costs, and other extraordinary expenses must be paid no later than 30 days after receipt of expenditure verifications. A parent to whom the reimbursement is owed may reduce the amounts to a sum certain and obtain a wage assignment order to collect the amounts due.

Modifications. All child support orders may be adjusted once every 24 months based upon changes in the income of the parents without showing a substantial change of circumstances. A party may move for modification any time based upon a substantial change of circumstances but if relief is granted, must then wait another 24 months to modify the decree again based upon a change in parental income. If a parent who is receiving a transfer payment receives a raise in income, that increase alone cannot form the basis for an increase in the other parent's obligation unless a modification is allowed upon a substantial change of circumstances. Parents who want to take advantage of the new schedule whose decrees are entered before July 1, 1990, may move for a modification after 12 months have expired from the entry of the decree or the latest modification. However, after the first modification under the act, the next modification without a substantial change in circumstances may not be sooner than 24 months. If the court modifies a court order by more than 30 percent and the change will cause significant hardship, the court may implement the change in two equal increments, one at the time of entry of the court order and one six months later. The court may modify automatic periodic adjustments of support due to economic hardships. A parent moving to modify an order must file worksheets in addition to a financial affidavit.

DSHS Modifications. The Department of Social and Health Services may not move to modify a child support order that is 25 percent lower than the amount due before any deviations are considered if the reasons for the deviations are included in the order. If the support obligation has been assigned to the state the worksheets must be served on the attorney general instead of the Office of Support Enforcement.

Worksheets. The administrator for the courts is to develop new worksheets and instructions. The administer for the courts must also explore methods to assist pro se litigants and judges to calculate support payments through automated software, equipment, and personal assistance. The courts may not accept incomplete worksheets. The judge must sign a completed worksheet and include one in the court order.

Stepparent Support. A court may upon motion of a stepparent, terminate the stepparent's obligation to support stepchildren when the petition for dissolution or legal separation is filed.

Parenting Act Application. The parenting act is amended to apply to all modifications, not just modifications filed after December 31, 1987.

Payments On Behalf Of An Injured Worker. The amount paid from an injured worker's industrial insurance total disability benefits or social security disability dependency benefits for children of the injured worker must be treated as if it were paid by the worker toward satisfaction of his or her child support obligation.

Collection Of Data. When the decree or modification is entered, the parties must complete a form

developed by the administrator for the courts providing information about the child support calculation and award. The form must be filed with the court clerks and forwarded to the administrator for the courts.

Standardized Forms Practice. The administrator for the courts must develop forms not later than July 1, 1991, for mandatory use by litigants in all actions for divorce, child custody, and child support. Parties must use the standardized forms beginning January 1, 1992.

Miscellaneous And Technical Changes. References to "medical records" is changed to "health care records" to clarify what types of records are available to parents and that parents owe support for all health care, not just "medical" care. Language for imputing income to a parent by referencing the United States census reports on median income is deleted; income will be imputed based on the parent's work history.

Votes on Final Passage:

House	78	19	
Senate	35	14	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	35	11

First Special Session

House	71	25
Senate	33	13

Effective: June 7, 1990
March 26, 1990 (Sections 5 and 22)

PARTIAL VETO SUMMARY: The veto restores the current law's standards and economic table with a cap of $7,000 combined monthly net income. The day care, long distance transportation, and other extraordinary expenses verification and reimbursement scheme is stricken. The cap at the lower limit of the schedule which is the federal needs standard and the $5,000 cap at the upper end of the schedule are also stricken. The provisions that change the definitions of income, exclusions, deductions, and residential credits are stricken, restoring the commission's standards governing those calculations. (See VETO MESSAGE)

HB 2901

C 51 L 90

By Representatives Dellwo, Chandler, P. King, Baugher, Nutley and Winsley; by request of Insurance Commissioner

Modifying the statutes pertaining to the Washington life and disability insurance guaranty association.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions & Insurance and Ways & Means

Background: In 1971, the Washington State Legislature created the Washington Life and Disability Insurance Guaranty Association (WLDIGA). Every life and disability insurance company which is authorized to do business in Washington is required to be a member of the association. The association pays certain kinds of claims of policyholders of insolvent life and disability insurance companies. Money to pay these claims comes from the other life and disability insurance companies doing business in Washington.

When a life or disability insurance company is liquidated, all of the other life and disability companies must contribute money to pay claims of the liquidated company. The association calculates each member company's contribution to the guaranty fund based upon the amount of insurance the member sells in Washington. If these contributions are not enough, the association assesses the members again each year until there are sufficient funds to meet policyholder obligations. The amount contributed by a member insurer to the guaranty fund is gradually deducted from state premium taxes over a period of 10 years.

Not all types and amounts of policyholder claims against an insolvent insurance company are covered by the WLDIGA. Policies issued by domestic life and health insurers are covered by WLDIGA whether or not the claimant is a Washington resident. However, if the policy was issued by a foreign or alien insurer, the claimant must be a Washington resident either when the policy was purchased or when the company is liquidated. If the life or health insurance is part of a group policy, the claimant must be a resident when the insurance company is liquidated.

Life insurance and annuity death benefit claims against WLDIGA are limited to $300,000 for each policy issued to the claimant. However, there is no limit on the amount that can be claimed for other types of benefits.

The WLDIGA can go to court and ask either for a modification of the terms and benefits of a policy or for an adjustment in premiums required to keep a policy in force. These adjustments are usually necessary to convince another insurer to assume the policies and obligations of the insolvent insurer.

Summary: The Washington Life and Disability Insurance Guaranty Association Act is amended.

The association will no longer cover the claims of non-resident policyholders.

The amount the association will pay for benefits claimed from an insolvent insurer is increased from $300,000 to $500,000 for death benefits. Previously unlimited liability for disability and annuity benefits is limited to $500,000. In addition, the limits apply per person rather than per policy.

A new distinction is created between allocated and unallocated annuity contracts. Unallocated annuity contracts are those in which the benefits cover a group collectively except to the extent that an insurer has guaranteed benefits to a particular member of the group. The association's liability for unallocated annuity contracts is limited to $5 million.

The association is not liable for any benefits promised under an unallocated annuity contract issued to an employee benefit plan protected under the federal Pension Benefit Guaranty Corporation or promised under an unallocated annuity contract which is not issued to or in connection with a specific employee, union, association of natural persons benefit plan, or a government lottery.

The accounts established by the association to pay benefits are modified to permit certain new subaccounts and to permit the transfer of funds among accounts.

The association is permitted to charge reasonable interest for delinquent payments of assessments to the association by member companies.

The amount the association may charge member companies for general administrative expenses is increased from $50 to $150.

The rate at which a member company may claim a credit for assessments by the association against premium taxes is accelerated from a 10 year to a five year write-off period.

Votes on Final Passage:

House	94	0	
Senate	44	1	(Senate amended)
Senate	47	0	(Senate amended)
House	94	0	(House concurred)

Effective: March 14, 1990

SHB 2906

C 213 L 90

By Committee on Housing (originally sponsored by Representatives Leonard, Winsley, Nutley, Phillips, Prentice, Cole, Locke, Wineberry, Anderson, Todd, Vekich and Rector)

Providing for the clean-up or elimination of contaminated properties.

House Committee on Housing
Senate Committee on Health & Long Term Care and Ways & Means

Background: The Legislature adopted the Omnibus Alcohol and Controlled Substances Act in 1989 to help address many of the problems related to drug and alcohol abuse. Although the bill required the state Department of Ecology to help identify, clean-up, store, and dispose of suspected hazardous substances, no procedures were established to rid property of the toxic residues that are left by chemicals used to manufacture illegal drugs. Properties that are contaminated with these toxic residues can be rented or sold to unsuspecting tenants or purchasers that could subject them to serious health risks.

Summary: Law enforcement, and other government agencies, must notify the local health officer of the probability of property being contaminated by hazardous chemicals. Local health officers must report all contaminated properties to the Department of Health. This listing of contaminated properties may be made available to realtors, landlords, prosecutors, and other groups.

A property owner who believes that a former tenant contaminated the property must request the local health officer to conduct an inspection. The health officer may charge a reasonable fee for inspections. Inspections must be conducted within 14 days of the request.

A local health officer may at reasonable times enter and inspect any properties if the officer has reasonable grounds to believe the property is contaminated. A property that is found to be contaminated after an inspection by a local health officer must be declared unfit for use.

If a property is found to be contaminated, it must be immediately posted by the local health officer. The local health officer must also notify all persons with an interest in the property as shown by the records of the county auditor. The notice must be served personally or sent by certified mail with return receipt requested.

After January 1, 1991, before contaminated property may be used or occupied, it must be decontaminated by a contractor certified by the Department of Health. The owner of the property must pay for decontamination. Before January 1, 1991, a property owner who wants his or her property decontaminated must contact the Department of Health for a list of environmental service contractors who perform decontamination work. The property owner may choose any contractor on the list.

A contractor who performs decontamination work must submit a written work plan for decontamination to the local health officer for approval. The local health officer may charge a reasonable fee for the review of the plan.

The city or county in which the property is located may act to condemn or demolish the property, or may require the property to be vacated or the contents removed. The appeals procedures established for unfit dwellings and buildings apply to contaminated properties.

The Department of Health must establish a certification program for persons who perform decontamination work on property contaminated by hazardous chemicals. The department must establish fees to pay for the costs of administering the certification program. The department may provide reciprocity for training programs in other states.

State and local health officers and boards are immune from any civil liability for performing their duties.

Whenever possible, a destruct order must be obtained concurrently with a search warrant. Materials that have been photographed, fingerprinted, and subsampled by the police must be destroyed as soon as practical. Hazardous substances used or intended to be used in the manufacture of controlled substances are subject to seizure and forfeiture without a hearing.

Votes on Final Passage:

House	93	0	
Senate	45	0	(Senate amended)
House	93	0	(House concurred)

Effective: July 1, 1990
March 27, 1990 (Sections 2 and 12)

SHB 2907

C 171 L 90

By Committee on Housing (originally sponsored by Representatives Nutley, Winsley and Leonard)

Concerning mobile home relocation.

House Committee on Housing
House Committee on Appropriations
Senate Committee on Economic Development & Labor and Ways & Means

Background: Legislation enacted in 1989 requires the payment of relocation assistance to tenants of mobile home parks when a park is closed or converted to another use. The amount of assistance was established at $4,500 for a single-wide mobile home and $7,500 for a double-wide mobile home. All tenants, whether or not low-income, may be provided with relocation assistance from the relocation assistance fund. It has not been determined if this assistance violates the state constitutional prohibition against lending of the state's credit.

The 1989 legislation also imposes an annual assessment of $10 on each tenant in a mobile home park for the relocation fund, and an annual assessment of $1 per tenant in a mobile home park to support the Office of Mobile Home Affairs. The county treasurers are responsible for collecting these fees. The county treasurers have expressed concerns about the expenses associated with the collection process.

Some park owners have sought to evade the requirements of the 1989 legislation by requiring tenants to sign waivers of relocation assistance as a condition of moving a mobile home into a park or for renewing a lease.

Summary: Relocation assistance from the mobile home park relocation fund is payable only to low-income mobile home park tenants instead of all mobile home park tenants when a park is closed or converted to another use. A low-income tenant is defined as a person at or below 80 percent of the median income for the area where the park is located. The Department of Community Development is responsible for determining the income status of park tenants. The amount of relocation assistance an eligible tenant may receive is adjusted annually to reflect increases in the housing component of the consumer price index for the state.

A mobile home park owner is required to pay the park owner's share of relocation assistance to tenants who are not low-income directly to those tenants. If the mobile home park relocation fund has insufficient funds, then the park owner may be required to pay the total amount of relocation assistance. The Department of Community Development may promulgate rules to govern park owner payments when the relocation fund contains insufficient funds.

The obligation of a park owner to pay relocation assistance runs with the land and is binding on any successors, purchasers, or assigns of the park. Notice of a park closure or conversion must be recorded with the county auditor.

A $50 fee is imposed on every transfer of title of a new or used mobile home where ownership is changed or the title is eliminated. Money collected from the $50 fee is transferred to the mobile home park relocation fund. The fee takes effect on July 1, 1990. The $10 annual assessment on mobile homes in mobile home parks to support relocation assistance is repealed.

A fee of $15 is imposed on every transfer of title of a new or used mobile home where ownership is changed or the title is eliminated. The fee is collected by the county treasurer or auditor and forwarded for deposit in the mobile home affairs account to support the Office of Mobile Home Affairs in the Department of Community Development. The fee takes effect on July 1, 1990. The $1 annual assessment on all mobile homes located in mobile home parks to support the Office of Mobile Home Affairs is repealed.

Any waiver of relocation assistance that was signed as a condition of starting or renewing a tenancy in a mobile home park is void and unenforceable. A park owner who coerces or attempts to coerce a tenant into terminating a tenancy in order to avoid paying relocation assistance may be sued for civil damages or equitable relief.

A provision that allowed units of local government to loan moneys to the mobile home park relocation fund upon the approval of the director of the Department of Community Development is repealed.

Votes on Final Passage:

House	82	8	
Senate	35	11	(Senate amended)
House	93	3	(House concurred)

Effective: June 7, 1990

HB 2911

FULL VETO

By Representatives Nutley and Todd

Exempting school districts and associated students of school districts from certain contract prohibitions.

House Committee on State Government
Senate Committee on Education

Background: State law prohibits a municipal officer from being directly or indirectly beneficially interested in any contract that is made under the supervision of the officer. The municipal officers governed by this prohibition include the members of the boards of directors of school districts. Exceptions to this rule are provided by state law.

Summary: An exemption is established to the rule that a municipal officer must not be directly or indirectly beneficially interested in a contract that is made under the supervision of the officer. The exemption applies to a school district contract under the following circumstances: the contract is awarded by competitive bid by the school district or by the associated students of the district; the contract is for goods; the member having the interest discloses it in a statement filed with the county auditor; the member does not participate in any decision of the district regarding the letting of the contract; the member does not personally contact any official or employee of the district to facilitate the preparation of the contract, to promote the awarding of the contract, or to influence the manner in which it is performed; prior to becoming a member, the member had a similar contractual relationship with the district or associated students for the same kind of goods; the member held office prior to the effective date of the act; and the contract was entered into before the effective date of the act.

Votes on Final Passage:

House	90	4	
Senate	39	10	(Senate amended)
House	91	3	(House concurred)

FULL VETO: (See VETO MESSAGE)

SHB 2917

C 196 L 90

By Committee on Health Care (originally sponsored by Representatives Braddock, Schoon, Sprenkle and Wang)

Changing provisions relating to physician assistants.

House Committee on Health Care
Senate Committee on Health & Long-Term Care

Background: Licensed physician's assistants are regulated by the Board of Medical Examiners to practice medicine to a limited extent under the supervision of a physician after completing an approved training program. The qualifications and training requirements are established by rules of the board.

A physician must submit an application to the board to use the services of a physician's assistant. The physician assistant is not required to submit an application.

Physician's assistants are not authorized to prescribe controlled substances.

Persons desiring to practice acupuncture may be licensed by the board as physician assistant acupuncturists.

The board is composed of six members, including four physicians; one physician's assistant, who may vote only on matters directly related to physicians' assistants; and one non-physician.

Summary: A licensed physician assistant is defined as a person who practices medicine to a limited extent

only under the supervision of a physician and is academically and clinically prepared to perform diagnostic, therapeutic, preventative, and health maintenance services. Physician assistants must complete a training program approved by the Board of Medical Examiners and be eligible to take an approved examination on subjects substantially equivalent to the curriculum of an accredited physician assistant training program.

A physician's application to employ a physician assistant must be submitted by both the physician and the physician assistant.

Physician assistants are authorized to prescribe controlled substances.

The authority to license physician assistant acupuncturists is repealed, although persons currently licensed may continue to perform acupuncture as long as they maintain licensure as physician assistants.

The physician assistant member of the Board of Medical Examiners may participate in all matters coming before the board, not just matters affecting physician assistants. The number of non-physician members on the board is increased to two.

References to "physician's assistants" are changed to "physician assistants" and gender specific references are corrected.

Votes on Final Passage:

House	95	3	
Senate	48	0	(Senate amended)
House	92	0	(House concurred)

Effective: June 7, 1990

SHB 2929

PARTIAL VETO

C 17 L 90 E1

By Committee on Appropriations (originally sponsored by Representatives Cantwell, R. Fisher, Brough, Haugen, Belcher, Ferguson, Nutley, Phillips, Horn, Rust, Wood, Winsley, Nelson, Locke, Appelwick, Leonard, Wineberry, Scott, Bennett, Pruitt, Cole, Crane, Heavey, Spanel, Forner, Holland, O'Brien, Hine, Fraser, Todd and Wang)

Enacting comprehensive growth planning provisions.

House Committee on Appropriations
Senate Committee on Governmental Operations

Background: Washington state arguably has a dual economy, one in which the central Puget Sound region faces problems associated with rapid growth and much of the rest of the state faces problems associated with too little growth. This has implications both for the state and for local governments.

In Washington state, planning is traditionally done by cities and counties that have statutory authority, and arguably inherent power, to regulate land use and otherwise manage growth in their areas. Counties and cities have extensive power to regulate land use to protect the health and safety of their citizenry.

Land use planning and development regulations such as zoning are generally optional for counties and cities. Some counties and cities do not engage in formal planning or regulation at all. Most counties and cities do some transportation planning to receive state transportation funds, but transportation planning does not have to be coordinated with any land use planning the counties and cities may undertake.

The actions of a county or city regarding growth management and land use can affect areas well beyond the jurisdiction of that government. State-wide requirements are imposed by some state laws such as the state Environmental Protection Act and the Shoreline Management Act. Platting, subdivision, land development, forest management, water, and building code laws also apply state-wide.

With certain exceptions, counties and cities are prohibited from charging impact fees to address the additional public facility and service costs caused by new development.

Summary: Washington's growth dichotomy is addressed by enacting provisions to manage growth where necessary and to encourage growth in areas not experiencing economic prosperity. Major provisions include: 1) planning goals, 2) mandatory and coordinated comprehensive planning for some counties and cities, 3) regional transportation planning to be coordinated with land use planning, 4) impact fees, 5) additional real estate excise taxes, 6) mandatory review of the impact that divisions of land have on public facilities and services, 7) designation of timber, agriculture, and mineral resource lands and critical areas by all counties and cities, 8) conservation of timber, agricultural, and mineral resource lands and critical areas by some counties and cities, and 9) assistance to rural communities to attract and absorb economic growth.

Planning Goals.

Planning goals are established that apply to counties and cities that plan under this act.

Comprehensive Planning.

Comprehensive planning and development regulations are mandatory for all counties, and the cities within such counties, that meet either of two criteria. These criteria are: 1) a population over 50,000 and a

population growth rate of more than 10 percent in the previous 10 years (expected to be King, Pierce, Snohomish, Clark, Kitsap, Thurston, Whatcom, Skagit, and Island counties), or 2) a growth rate of more than 20 percent in the previous 10 years, regardless of population. Any county that has a population of less than 50,000 and meets this 20 percent growth criteria may, by December 31, 1990, choose not to be subject to the planning requirements, (currently San Juan, Mason, and Jefferson counties are expected to have this option).

Any county may choose to follow the planning requirements, but having once done so, may not later remove itself from those requirements.

Counties and cities required to plan under this act must adopt comprehensive plans by July 1, 1993. Zoning ordinances must be consistent with and implement the plan within 12 months from the adoption of these comprehensive plans. All other counties and cities that have a comprehensive plan must adopt zoning ordinances to implement their comprehensive plans by July 1, 1992.

All counties and cities must designate agriculture, timber, and mineral resource lands and critical areas by September 1, 1991. The Department of Community Development, after consultation with interested parties, must provide guidelines to assist counties and cities in making these designations. Counties and cities that plan under this act must also conserve these designated natural resource lands and critical areas through their zoning regulations by September 1, 1991.

Comprehensive plans, for those counties and cities that plan under this act, must include:

1) Designation and conservation of agricultural lands, forest lands, and mineral resource lands;

2) Designation of critical areas, such as wetlands and aquifer recharge areas, and preclusion of land uses or development that is incompatible with such critical areas;

3) Designation of urban growth areas by counties. A mediation process and administrative hearing process is established to resolve conflicts between counties and cities regarding urban growth areas. Each city's comprehensive plan must allow urban densities. A county's comprehensive plan must allow urban densities within urban growth areas, and only allow growth outside of urban growth areas if it is not urban in nature;

4) Mandatory elements as follows: (a) land use, (b) housing, (c) capital facilities plan, (d) transportation, and (e) public utilities. In addition, such counties must include a rural element.

5) Coordination with adjacent counties and cities; and

6) Public participation in development of comprehensive plans and zoning ordinances.

Technical assistance, grants, and mediation are available through the Department of Community Development.

Impact Fees.

The prohibition preventing counties and cities from imposing most impact fees is revised to allow impact fees to be collected by counties and cities that plan under this act. Impact fees may be collected for 1) public streets or roads, 2) publicly owned parks, open space, or recreation facilities, 3) school facilities, or 4) fire protection facilities that are not part of a fire protection district.

Before collecting such impact fees, the county or city must: 1) adopt a capital facilities plan element in its comprehensive plan and address existing deficiencies, 2) establish an advisory committee, 3) establish service areas where appropriate, and 4) adopt a schedule of impact fees based on a formula.

The impact fees: 1) may be imposed only for public facility improvements that are reasonably related to the new development, 2) may not exceed a proportionate share of the costs of public facility improvements that are reasonably related to new development, and 3) may be used only for public facilities that will reasonably benefit the new development.

An appeals process must be established, and provisions must be made for the refund of impact fees under certain conditions.

Real Estate Excise Tax.

Counties and cities that are required or choose to plan under this act must use proceeds from the existing one-fourth of 1 percent real estate excise tax primarily for capital projects specified in the capital facilities plan element of their comprehensive plan and for housing relocation assistance.

An additional one-fourth of 1 percent real estate excise tax may be imposed by counties and cities that are required to plan under this act. Other counties and cities that choose to plan under this act may impose the additional real estate excise tax with voter approval. Proceeds from this additional real estate excise tax must be used to finance capital facilities specified in the capital facilities plan element of the comprehensive plan.

Housing Relocation Assistance.

The prohibition preventing counties and cities from imposing most impact fees is revised to allow the payment of housing relocation assistance.

Counties and cities that are required to plan under this act are authorized to require housing relocation assistance from developers for low income persons who are dislocated as a direct result of the new development. The total relocation assistance may not exceed $2,000 per household with the developer paying not more than one half of the housing relocation. However, in the future the amounts may be adjusted to reflect changes in the consumer price index.

Subdivision Changes.

The standard of review for subdivisions is changed from one that allows counties and cities to deny the subdivision only under certain circumstances to one in which the subdivision may be approved only if written findings are made that adequate provisions have been made for public facilities and that the subdivision is in the public interest. This new standard of review also applies to short subdivisions.

Transportation Planning.

Transportation plans must be coordinated with comprehensive land use plans.

Regional Transportation Planning Organizations (RTPOs) are authorized. These are voluntary associations of local governments within a county, or within geographically contiguous counties. The RTPOs: 1) certify that local comprehensive plans are consistent with regional transportation plans, 2) develop a regional transportation plan, and 3) assist the state Department of Transportation in ensuring that regional transportation plans are consistent state-wide.

Encouraging Growth State-wide.

Building local capacity for rural economic growth is the focus of a grant program in the Department of Community Development. The department is to administer grants to rural communities to increase local economic development resources, establish urban-rural links, and increase the export of products from rural areas.

The delivery of state services to encourage growth is addressed in several ways. Provisions include: 1) formalizing the Associate Development Organization network in statute to help coordinate state economic development services at the local level, 2) creating a Service Delivery Task Force to review the present system and make recommendations to the Legislature and governor, and 3) providing additional staffing to assist rural communities in financing and revitalization.

Improving the processing of permits by state agencies is also addressed.

Other provisions include: 1) an Industrial Competitiveness Program that focuses on business networks, 2) a bid information system, 3) a provision to provide technical assistance to community based organizations through the Local Development Matching Fund, 4) a self-employment loan program for low income persons, and 5) an evaluation of advanced technology and science in Washington State.

The Growth Strategies Commission.

The Growth Strategies Commission that was created by executive order is required to recommend by October 1, 1990: 1) how to ensure that counties and cities planning under this act comply with the planning goals and other requirements in this act, 2) what the state role should be in growth management, 3) how to identify and protect lands and resources of state-wide significance, 4) what state funds could be withheld and what incentives could be used to promote compliance by counties and cities, 5) how to increase affordable housing and link transportation and land use planning, 6) how to address vesting of rights issues and short subdivisions, and 7) how to resolve disputes between cities and counties regarding urban growth areas.

Votes on Final Passage:

Regular Session			
House	72	21	
Senate	35	12	(Senate amended)
First Special Session			
House	76	20	
Senate	36	13	(Senate amended)
			(House refused to concur)
Free Conference Committee			
Senate	32	16	
House	72	21	

Partial Veto Summary: The partial veto removes a provision that exempted port districts and municipal airports from the requirement that special districts conform to local comprehensive plans, removes provisions that authorize local governments to contract with developers to provide public facilities related to new development, removes some protections for developers regarding impact fees, and removes several provisions related to economic development, including those that would have established an Industrial Competitiveness Program, a bid information system, a low income self-employment program, a technical assistance program for community based organizations, and an evaluation of technology and science. (See VETO MESSAGE)

Effective: July 1, 1990

SHB 2932

C 295 L 90

By Committee on Natural Resources & Parks (originally sponsored by Representatives K. Wilson, Miller, Baugher, Smith, Doty, Valle, Hine and R. Fisher)

Providing for regional water resource planning.

House Committee on Natural Resources & Parks
House Committee on Appropriations
Senate Committee on Agriculture

Background: The Department of Ecology administers the state's water resource management laws. Included among these is the Water Resources Act of 1971. This act requires the quality of the state's natural environment to be protected and, where possible, enhanced. The act requires that water allocation among competing users be based on securing the maximum net benefits for the people of the state. The act requires the Department of Ecology to develop and implement a comprehensive state water resources program and a process for making decisions on future allocation and use. The department is further required to collect existing water resource information and develop additional data necessary for the comprehensive program.

Summary: Findings/Intent. The Legislature finds that growth has created increasing demands on limited water resources. Adequate water supplies are essential to meet the needs of a growing population and to protect instream resources and values. Comprehensive planning involving the state, tribes, local governments, and interested parties is essential. The Legislature also finds that diverse conditions and needs across the state require regional water resource planning, and that a water resource data program is needed to support the planning efforts. The Legislature intends to work closely with all parties to ensure water resource planning and management is in the public interest.

Data Management. The Department of Ecology is required to develop a comprehensive water resource data program that will provide planning and management information useful on a regional and statewide basis. The program is to include an information management plan and a resource inventory and needs assessment. The department must establish a Water Resources Data Management Task Force, which is to include representatives of appropriate state agencies, Indian tribes, local governments, and interested parties. The task force is to evaluate data management needs, provide advice and recommendations regarding the information management plan, and conduct the water resources inventory and needs assessment.

Prior to September 1, 1990, the department is to submit a report to the Legislature documenting current information flow and data collection processes and an analysis of task force recommendations relating to additional information needs. The report is to include an estimate of funding requirements necessary to implement the Water Resources Data Program.

Contingent on legislative appropriation, the department is required to develop a five-year plan for data collection and information management approved by the Department of Information Services. Beginning on July 1, 1991, the Department of Ecology is to provide annual reports to the Legislature on the development and implementation of the five-year plan and the status of the water resources inventory and needs assessment.

Planning Process. The Department of Ecology is required to work with Indian tribes, local governments, and interested parties to develop a water resource planning process to be implemented on a regional basis. The department is required to identify regions throughout the state and to designate two such regions as pilot projects in which the process will be initiated. The department is to submit annual reports to the Legislature summarizing progress in the pilot regions. The process in the two pilot regions is to be completed by December 31, 1993.

Votes on Final Passage:

House	98	0	
Senate	49	0	(Senate amended)
House			(House refused to concur)
Free Conference Committee			
Senate	42	0	
House	97	0	

Effective: March 29, 1990

SHB 2933

C 26 L 90

By Committee on Local Government (originally sponsored by Representatives Ferguson, Haugen and Crane)

Studying local government self insurance pools.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Most municipal corporations are authorized to establish self-insurance pools for liability and property insurance. School districts are also allowed to establish self-funded plans for employees' loss of time and health benefits. The Office of the State Auditor

has recently identified a number of potential problems in the operation of these self–insurance pools. The state auditor recommended that a study of these municipal self–insurance pools be conducted in order to prevent their potential collapse.

Summary: A joint select committee is created to study local government self insurance pools authorized by statute and report its findings and any recommendations for legislation to the Legislature by October 1, 1990. The joint select committee consists of four senators and four representatives, two from each of the major caucuses. The president of the Senate appoints the four Senate members and the speaker of the House appoints the four House members.

The study must include input from existing municipal insurance pools, various associations of local governments, the state risk manager, the Washington Chapter of the Public Risk Insurance Managers Association, the Office of the Superintendent of Public Instruction, the Department of Employment Security, the Department of Labor and Industries, the state auditor, the state actuary, and the Office of the Attorney General.

Votes on Final Passage:

House	98	0
Senate	44	0

Effective: June 7, 1990

SHB 2935

C 259 L 90

By Committee on Local Government (originally sponsored by Representatives Horn, Haugen, Kirby, Ferguson, D. Sommers, Wood, Rayburn, Morris, Moyer, Wolfe, Brumsickle, Bowman, Walker, Nealey and Raiter)

Modifying the provisions for local government elections.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: The general election laws provide very specific times when elections may be held. These laws also provide that the county auditor must be given at least 45 days notice before an election may be held. The election laws pertaining to specific units of local government, however, often contain provisions that conflict with the general election laws. In addition, the signature requirements for a petition requesting certain action, such as an annexation or the consolidation of a district, differ widely among units of local government.

The statutes pertaining to code cities contain several references to election duties being performed by the city clerk. The county auditor is responsible for these duties. Statutes often refer to electors or qualified voters instead of registered voters.

Summary: Local government statutes that call for special or general elections at specific times are changed to conform to requirements contained in the general election statutes.

The signature requirements for petitions requesting local government action are standardized. A petition must be signed by registered voters in the district in a number equal to at least 10 percent of the votes cast in the last general municipal election.

References in the code city statutes to the city clerk are changed to the county auditor. References to electors and qualified voters are changed to registered voters.

Votes on Final Passage:

House	95	0
Senate	49	0

Effective: June 7, 1990

HB 2939

PARTIAL VETO

C 302 L 90

By Representatives Braddock, Brooks, Morris, Jacobsen, Silver, Holland, Winsley and Baugher; by request of Department of Corrections

Removing population limits at certain correctional institutions.

House Committee on Health Care
Senate Committee on Law & Justice and Ways & Means

Background: There are statutory limits on the maximum number of inmates who may be housed at the Special Offender Center in Monroe (144 inmates), the Twin Rivers Corrections Center (500 inmates), the Washington State Reformatory (limit established by Federal court), and the Washington Correction Center at Shelton (115 percent of rated capacity). In emergency situations, these statutory limits may be exceeded by 10 percent for the Special Offender Center, the Twin Rivers Corrections Center, and the Washington State Reformatory, and by 15 percent for the Washington Correction Center.

These inmate population limits were originally instituted as part of siting agreements made with the local jurisdictions. In recent years, the rapid rise of inmate populations has created pressure on the state correctional system to make more effective use of existing correctional facilities.

Summary: The statutory limits on inmate capacity are eliminated for the Special Offender Center at Monroe, the Twin Rivers Corrections Center, the Washington State Reformatory, and the Washington Corrections Center at Shelton.

The Department of Corrections is required to pay mitigation funds to certain cities, towns, and counties that are within proximity of these correctional facilities if inmate populations exceed specified levels. Formulas are provided to calculate the magnitude of the required mitigation fees. The payment of mitigation fees is contingent upon the appropriation of funds to cover the costs of such fees.

If the elimination of the existing limits on inmate capacity results in an increase in inmate population, the Department of Corrections is required to provide staffing levels sufficient to comply with the model standards adopted by the department. Under no circumstances may staffing levels fall below the levels that exist on the effective date of the act.

Votes on Final Passage:

House	85	9	
Senate	40	9	(Senate amended)
House	94	2	(House concurred)

Effective: June 7, 1990

Partial Veto Summary: The requirement that the Department of Corrections pay mitigation funds to certain cities, towns, and counties within close proximity to a prison facility is eliminated. (See VETO MESSAGE)

SHB 2940

FULL VETO

By Committee on Transportation (originally sponsored by Representatives R. Meyers, S. Wilson and Zellinsky)

Pertaining to vehicle dealer documentary service fees.

House Committee on Transportation
Senate Committee on Transportation

Background: Motor vehicle dealers perform a variety of services for their customers, including transferring title and licensing of the vehicle in addition to facilitating completion of financing arrangements.

Motor vehicle dealers are prohibited from charging a separate fee for these services.

Summary: Motor vehicle dealers are authorized to charge up to $25 per vehicle sale or lease for the following documentary services: licensing, registration, title verification, title transfer, perfecting title, releasing or satisfying a lien or other security interest. The documentary service fee, for purposes of the Retail Installment Sales Act, is not a service charge as defined in that act. Dealers must disclose in any advertisement that a documentary service fee of up to $25 may be added to the sale price.

Votes on Final Passage:

House	96	1	
Senate	37	12	(Senate amended)
House	94	0	(House concurred)

FULL VETO: (See VETO MESSAGE)

HB 2942

PARTIAL VETO

C 91 L 90

By Representatives R. King, Ballard, R. Meyers, Rayburn, McLean, Bowman, Peery, Basich, P. King, Scott, Cole, Crane, Rasmussen, O'Brien, Hine and Dellwo

Requiring progress reports on the recreational fisheries enhancement plan.

House Committee on Fisheries & Wildlife
Senate Committee on Environment & Natural Resources

Background: The Department of Fisheries has developed, over the past 15 months, a recreational fisheries enhancement plan designed to establish Washington as the recreational fishing capital of the nation. Since release of the draft plan in late 1988, it has been reviewed by governmental entities, treaty tribes, and the general public. The final plan was released in November 1989.

The goals of the plan are expressed on a regional basis for Puget Sound, the coast, the Columbia River Basin, and the ocean. They include:

1) Creating a year–round angling opportunity within a one–hour travel time from population centers;

2) Stabilizing regulations for sport anglers;

3) Broadening the areas and times for fishing opportunity of sport anglers; and

4) Establishing a sport fishery from Neah Bay to the mouth of the Columbia River that begins on Memorial Day and extends through Labor Day.

These goals are to be achieved without significant alteration or elimination of commercial fishing opportunity.

Some of the enhancement projects are currently underway. Through an increase in the department's biennial budget for 1989–91, recreational salmon enhancement projects were funded. For example, hatchery production of chinook and coho, the favored species of the recreational angler, is being increased at the state's hatchery facilities. Funds have been allocated to develop the resident chinook project for Puget Sound.

Summary: The director of the Department of Fisheries is to make the following reports to the governor and the appropriate committees of the Legislature regarding progress of the recreational fisheries enhancement plan:

1) Annually, beginning July 1, 1990, a review of all programs in the plan that are currently underway and an assessment of additional financial and personnel needs; and

2) Annually, beginning November 1, 1990, a designation of individuals responsible for the management of the enhancement program including those responsible at the regional level, the annual costs of the program per region, the dates of attainment of goals, and the criteria used to measure successful attainment of the plan's goals.

Votes on Final Passage:

House	98	0
Senate	45	0

Effective: June 7, 1990

Partial Veto Summary: The instructions are deleted that direct the code reviser to place this bill in a specific chapter of the Revised Code of Washington (RCW). (See VETO MESSAGE)

SHB 2956

C 21 L 90

By Committee on Energy & Utilities (originally sponsored by Representatives Nelson, Miller, Jesernig, Sprenkle, May, Grant, Cooper, Hankins, Dellwo, Baugher, R. Meyers, Rust, Brooks, Holland, Appelwick, Moyer, Ballard, Prince, Bennett, Dorn, Jacobsen, Valle, Crane, Brumsickle, Ebersole, Fuhrman, Van Luven, Horn, Rector and Silver; by request of Office of Financial Management)

Revising provisions for the management of low–level radioactive waste.

House Committee on Energy & Utilities
House Committee on Revenue
Senate Committee on Energy & Utilities

Background: Federal law provides individual states or interstate compacts the authority to manage low–level radioactive waste. Washington is in the seven state Northwest Compact and is the host state for the disposal site located on the Hanford Reservation near Richland.

In order to prompt states to set up their own or regional disposal arrangements, the same federal law allows a host state to impose a surcharge on waste received from outside the state or outside the compact. The Legislature has authorized the governor to impose the maximum surcharges authorized by federal law. All out of region surcharge receipts go into the general fund.

The Legislature has established perpetual care and closure accounts within the perpetual maintenance fund as insurance against the state having to pay for site closure or post–closure surveillance of the low–level radioactive waste disposal facility. The care account is believed to be sufficient, but the closure account is not sufficient to pay for the estimated closure costs. A fee of $1.75 is imposed on each cubic foot of waste disposed at the Hanford site. The revenue is placed into the fund containing both of these accounts. Current law required that revenue to the fund be credited to the closure account until December 31, 1992.

Beginning in 1993, the Northwest Compact may prohibit disposal of out of region waste at the Hanford facility. Washington law prohibits the Washington representative to the compact from agreeing to accept out of region waste unless there is no other feasible alternative available.

The Department of Health regulates the disposal site operator. A surveillance fee, imposed on each cubic foot of waste disposed, is charged to pay the cost of regulation. The fee may not exceed 4 percent of the basic minimum fee charged by the operator of the disposal facility. Since the volume of waste disposed at the facility has been declining, the revenue generated by the surveillance fee is no longer adequate to support the cost of regulation.

A business and occupation tax of 30 percent is imposed on the gross income of any person engaged in the business of disposing of low–level waste in this state.

Summary: The business and occupation tax on persons engaging in the disposal of low–level waste is reduced

to 15 percent. If the Legislature adopts additional legislation governing the disposal of low-level waste, the tax rate will be further reduced to 10 percent and then to 5 percent.

The first $10 per cubic foot of the out of region surcharge is deposited to the site closure account in the perpetual maintenance fund. The remainder of the surcharge is deposited in the general fund.

After 1992, the Washington state representative may authorize disposal of out of region waste only from the current members of the Rocky Mountain Compact - Wyoming, Colorado, New Mexico and Nevada - and from the states contiguous to the Northwest Compact that generate less than 1,000 cubic feet of waste annually, or currently North Dakota and South Dakota.

Interest earned on the perpetual maintenance fund as well as future payments to the maintenance fund shall be directed into the site closure account until December 31, 1992.

Beginning January 1, 1993, the Department of Ecology, if necessary, may impose a site closure fee until the closure account has sufficient funds to complete the closure plan provided by the Department of Health.

The surveillance fee imposed by the Department of Health to pay regulation costs is raised in three annual steps from 4 percent to 7 percent in 1992.

The Utilities and Transportation Commission and the site operator, assisted by other state agencies and parties, shall study the need for procedures to assure that the site operator's rates are fair, considering the unique nature of the business. Results of the study shall be reported to the Legislature by December 1, 1990. If the Legislature authorizes the commission to regulate the operator's rates, the new rates shall not take effect until January 1, 1993.

Votes on Final Passage:

House	98	0	
Senate	46	0	

Effective: March 13, 1990

HB 2959

C 74 L 90

By Representatives Bennett, Dorn, Pruitt, Brumsickle and G. Fisher

Authorizing school districts to require health insurance for students participating in extracurricular activities.

House Committee on Education

Senate Committee on Education

Background: Currently there is no requirement that students be covered by health insurance to participate in extracurricular activities. There is also no clear authority for school districts to establish a clear policy requiring such coverage as a condition of participation in extracurricular activities.

Summary: School districts may require that a student be covered by health insurance in order to participate in extracurricular, interschool activities. A student may satisfy this requirement by showing proof of existing insurance coverage or by purchasing such insurance offered by the school district.

If a policy requiring insurance is adopted, the school district board of directors must determine what is adequate coverage to meet the medical expenses that may result from participation in the extracurricular activity and adopt regulations for waiving or reducing premiums for insurance offered by the school district for low income students.

Votes on Final Passage:

House	95	0	
Senate	45	0	(Senate amended)
House	94	0	(House concurred)

Effective: June 7, 1990

SHB 2964

C 15 L 90 E1

By Committee on Capital Facilities & Financing (originally sponsored by Representatives Schoon, H. Sommers, P. King and Betrozoff)

Authorizing bonds for capital facilities.

House Committee on Capital Facilities & Financing

Background: The state of Washington periodically issues general obligation bonds to finance state capital construction projects. Specific legislative approval of a capital project is contained in the capital appropriations act. Those capital appropriations in the capital budget requiring state bonding must have separate legislation authorizing the sale of the bonds.

The Department of Wildlife is the only state agency required by law to make payments on state owned game lands, equal to property tax, to local governments. This provision was enacted to compensate local governments when the state purchased land and removed the land from the tax base. This compensation may not be necessary when existing tax exempt land is simply transferred to the Department of Wildlife from another state agency.

Summary: The state finance committee is authorized to issue $177 million in state general obligation bonds to finance capital projects appropriated in the 1990 supplemental capital budget. The $177 million in new bonding authority is distributed to the following accounts: state building construction account $131 million; outdoor recreation account $26.5 million; habitat conservation account $26.5 million; state reimbursable account $8 million; and state social and health services construction account (–$2.7) million. The balance of $12.3 million is excess bond authority from prior years resulting from lower than anticipated interest rates, expenditures, and other factors.

The 1989 distribution to the University of Washington building account is changed to the higher education construction account.

The public safety reimbursable bond account is created and the principal and interest on the $8 million in bonds issued from this account will be reimbursed from the public safety and education account.

The following bond statutes are reenacted to correct double amendments: a) Referendum 26 waste disposal facilities, 1972; b) Referendum 38 water supply facilities, 1979; c) Referendum 39 waste disposal and management facilities, 1980; and d) Salmon enhancement facilities, 1977.

Lands transferred to the Department of Wildlife from other agencies are exempt from payments in lieu of property taxes.

Votes on Final Passage:

Regular Session
House 84 10
First Special Session
House 87 9
Senate 39 9

Effective: April 23, 1990

2SHB 2986

PARTIAL VETO

C 275 L 90

By Committee on Appropriations (originally sponsored by Representative Appelwick)

Making technical corrections to the alcohol and controlled substances abuse act.

House Committee on Judiciary
House Committee on Appropriations
Senate Committee on Ways & Means

Background: In 1989, the Legislature passed the Alcohol and Controlled Substances Abuse Act. This act made comprehensive changes to many laws related to alcohol and drugs.

Several appropriations were made to governmental agencies for a variety of programs related to alcohol and drug abuse. In some instances, money appropriated under the act has been used by agencies to supplant previous expenditures from other revenue sources.

One of the appropriations in the 1989 act was to the Office of the Administrator for the Courts for the "treatment alternatives to street crimes" program. The money is to be used to provide services in domestic relations cases arising under laws dealing with marriage dissolutions, nonparental child custody actions, or domestic violence actions.

The 1989 act also required the Legislative Budget Committee (LBC) to prepare a plan for studying the effectiveness of various portions of the act. Elements of the act to be studied include 1) institution–based drug testing, 2) the juvenile offender structured residential program, 3) the state–wide drug prosecution assistance program, 4) community mobilization, 5) drug and alcohol abuse prevention and early intervention in schools, and 6) maternity care support services for alcohol and drug abusing pregnant women. By October 1, 1989, the affected agencies were to have submitted to the LBC their plans for the anticipated implementation of the programs. By December 1, 1898, the LBC was to have submitted to the fiscal committees of the Legislature its plans for the study of the effectiveness of these programs. The LBC has expressed concern that the number and scope of the required studies will exceed its capacity to do adequate analysis.

Summary: The 1989 Alcohol and Controlled Substances Abuse Act is amended in three areas.

First, federal money must be used to replace state money appropriated under the act and state money appropriated under the act may not be used to supplant money from other sources. Specific prohibitions against supplanting are imposed on two programs administered by the Superintendent of Public Instruction. These programs are school district substance abuse awareness programs and secondary school security programs. In each of these programs, money must be used to increase program services beyond the levels provided in the 1988–1989 school year. The Superintendent of Public Instruction is allowed to use a portion of its appropriation to monitor the education and intervention programs in school districts.

Second, the appropriation for the treatment alternatives to street crime program is extended to cover cases

involving the determination of parentage and cases involving child abuse.

Third, the LBC study provisions of the 1989 act are amended. The requirements that affected agencies prepare a description of program implementation and that LBC submit a plan for program study, are removed. The Department of Social and Health Services is directed to study the effectiveness of the juvenile offenders structured residential program. The Superintendent of Public Instruction is directed to contract with an independent entity to have a study done of drug and alcohol abuse early intervention in the schools. The LBC is directed to review and monitor these two studies.

Votes on Final Passage:

House 98 0
Senate 45 0

Effective: June 7, 1990

Partial Veto Summary: The veto removes an express requirement that federal money must be used to replace state money appropriated under the 1989 act. The veto also removes a general statement applicable to all programs under the 1989 act that state money may not be used to supplant other funds. Supplanting prohibitions applicable to specific programs are not affected by the veto. (See VETO MESSAGE)

HB 2988

C 181 L 90

By Representatives Locke, Prince, Ferguson, H. Sommers, Anderson, Wineberry and Nelson

Funding low-income housing near the state convention and trade center.

House Committee on Capital Facilities & Financing
Senate Committee on Ways & Means

Background: During the 1988 legislative session, $10.4 million was appropriated to the Washington State Convention and Trade Center for purchase of property adjacent to the center known as the McKay parcel. The McKay parcel was purchased by the convention center for $8.9 million. Ultimately, the convention center anticipates reselling the McKay parcel. Acquisition was intended to secure the property for future convention center related development if needed. It is unclear when and at what price the convention center will ultimately resell the McKay property.

Prior to issuing a conditional use permit for convention center construction, the Seattle City Council imposed a number of housing mitigation measures upon the center. These requirements were ultimately satisfied when the center provided $2.2 million for various low-income housing projects.

Summary: The appropriation authority for the McKay land acquisition is adjusted to reflect the actual purchase price of $8.9 million. In addition, a maximum of $3 million is authorized for housing mitigation measures either anticipated or previously undertaken by the convention center. This results in an increase in total appropriation authority of $1.6 million, and makes an additional $800,000 available for low-income housing development. Low-income housing is defined. The convention center board is required to determine that the housing provided will be owned and operated by a non-profit organization dedicated to low-income housing. Low-income housing must also be related to the construction and operation of the convention center.

Votes on Final Passage:

House 96 2
Senate 37 4

Effective: June 7, 1990

HB 2989

C 109 L 90

By Representatives Peery and R. Fisher

Delaying required registration for freight brokers and forwarders.

House Committee on Transportation
Senate Committee on Transportation

Background: In 1989, legislation was enacted that required interstate brokers and forwarders conducting business in Washington state to register with the Utilities & Transportation Commission (UTC), pay a one-time $25 registration fee, and post a $10,000 surety bond. Brokers registered with the Interstate Commerce Commission (ICC) may present a copy of their ICC-required surety bond as proof of security.

At the UTC hearing to adopt Washington Administrative Code rules, several interstate brokers voiced their concerns with the registration and bonding provisions. These brokers argued that the proposed rules were a burden to interstate commerce, and that the bonding and registration requirements applied to all brokers and forwarders, not just those domiciled in the state. The brokers requested that the UTC delay implementation of the rules until after the 1990 legislative session. This delay would give the brokers and

the trucking industry time to reach a compromise that could be presented for legislative action.

Summary: The implementation of the Utilities & Transportation Commission's bonding and registration requirements for interstate brokers and forwarders is delayed until July 1, 1991.

Votes on Final Passage:

House	98	0	
Senate	44	0	(Senate amended)
House	94	0	(House concurred)

Effective: March 19, 1990

SHB 2999

C 135 L 90

By Committee on Higher Education (originally sponsored by Representatives Jacobsen, Locke, H. Sommers, Ebersole, Miller, Prince, S. Wilson, Holland, Rector, Winsley, Crane, Basich, Wineberry, Ferguson, Bennett, Spanel and O'Brien; by request of State Board for Community College Education)

Revising provisions for compensation for community college officers and employees.

House Committee on Higher Education
House Committee on Appropriations
Senate Committee on Higher Education and Ways & Means

Background: Each community college board of trustees is directed to employ a district president, members of the faculty, administrative officers, and other employees. In multi–campus districts, the board also hires a president for each campus. The board determines the duties of each employee, and fixes his or her salary. By law, salary increases are limited to the amount or percentage established in the appropriations act.

The 1989 appropriations act directed the State Board for Community College Education to "establish compensation guidelines for salary levels of the top administrative position at community colleges." The state board convened a task force to develop those guidelines.

The task force identified two problems associated with compensation for presidents. First, the task force found that unlike presidents of the four–year institutions, public school superintendents, and community college presidents in other states, Washington community college presidents can not receive compensation in forms other than salary. Second, the task force found that salary restriction language in the appropriations act limits the flexibility of governing boards to give competitive salary increases to presidents without reducing increases for other administrative employees. The task force also found that trustees have flexibility in setting salaries for newly hired presidents, so those new presidents frequently receive higher salaries than experienced incumbents.

The task force recommended that trustees be given the authority to provide presidents and administrative employees with compensation rather than salaries. The task force also recommended that salary appropriations for administrators should be based on salary surveys in peer states. Finally, it recommended maintaining a reasonable promotional salary alignment between faculty and administrators.

Summary: Community college trustees will fix the duties and compensation of community college presidents. Compensation may include elements other than salary. It does not include the benefits that are provided to presidents as state employees. However, compensation provided by a college may supplement retirement, health care, and other benefits received by presidents as state employees. Compensation increases must not exceed the amount or percentage established in the state appropriations act. The State Board for Community College Education will adopt rules defining permissible elements of compensation.

Archaic language in the statute is removed.

Votes on Final Passage:

House	95	3
Senate	47	0

Effective: March 21, 1990

SHB 3001

C 119 L 90

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Zellinsky, R. Meyers, Dellwo and Crane; by request of Insurance Commissioner)

Concerning solvency protection for health maintenance organizations.

House Committee on Financial Institutions & Insurance
Senate Committee on Financial Institutions & Insurance

Background: Health maintenance organizations (HMOs) must apply for and receive the Insurance Commissioner's permission before selling health coverage in Washington. However, the insurance code does

not require HMOs to meet capital, surplus, or other minimum net worth standards as a condition of obtaining authority to conduct business.

Unlike health insurance companies, HMOs do not agree to indemnify consumers (policyholders) for costs incurred in obtaining health care services. Rather, HMOs directly provide health care services or enter into agreements with providers of health care who in turn agree to provide services to consumers. The contracting health care providers must obtain compensation for services from the HMO, not from the consumer using the services. Alternatively, if the consumer obtains health care services from a provider who has not entered into a contract with the HMO (a non-participating provider), the consumer is directly liable for the costs of such health services.

To protect the consumer in the event the contractor cannot pay for services for which the consumer may be liable, the insurance code requires HMOs to deposit cash, bonds, or other securities with the commissioner to cover the consumer's liability for health care services performed by a non-participating provider. If the HMO becomes insolvent, this source of funds is available to pay claims for care rendered by a non-participating provider.

In addition to the financial losses faced by a consumer of an insolvent HMO, the consumer must obtain coverage for health care services from another insurance company, health care service contractor, or HMO. Obtaining other coverage may be impossible if the consumer has a health condition that is unacceptable to other companies.

Summary: Insurance code provisions governing HMOs are amended to provide new procedures and standards for the protection of consumers in the event of HMO insolvency.

Any rehabilitation, liquidation, or conservation of a HMO is to be conducted in accordance with procedures applicable to the rehabilitation, liquidation, or conservation of an insurance company.

Consumers of an HMO are given the same priority to any assets of their insolvent HMO as is given to policyholders of an insolvent insurance company. Consumer liability for health care services rendered by a non-participating health care provider is treated as a participant claim against the HMO.

HMOs must meet new net-worth standards and increased standards for deposits to protect consumers from liability for health care services rendered by non-participating health care providers.

If an HMO becomes insolvent, the other health care service contractors and HMOs doing business in Washington must permit consumers of the insolvent HMO to enroll in a health plan without proof of insurability.

A health care service contractor who offers only limited benefits is not required to offer greater benefits to persons covered by an insolvent contractor who offered broad benefits.

Votes on Final Passage:

House	95	0	
Senate	47	0	(Senate amended)
House	93	0	(House concurred)

Effective: June 7, 1990

SHB 3002

C 120 L 90

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Zellinsky, R. Meyers, Dellwo and Crane; by request of Insurance Commissioner)

Concerning solvency protection for health care service contractors.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions & Insurance

Background: Health care service contractors must apply for and receive the insurance commissioner's permission before selling health coverage in Washington. However, the insurance code does not require contractors to meet capital, surplus, or other minimum net worth standards as a condition of obtaining authority to conduct business.

Unlike health insurance companies, contractors do not agree to indemnify participants (policyholders) for costs incurred in obtaining health care services. Rather, contractors enter into agreements with providers of health care who in turn agree to provide services to participants in the contractor's health plan. The health care providers must obtain compensation for services from the contractor, not the participant using the services. Alternatively, if the participant obtains health care services from a provider who has not entered into a contract with the service contractor (a non-participating provider), the participant is directly liable for the costs of such health services.

To protect the participant in the event the contractor cannot reimburse the participant, the insurance code requires contractors to obtain insurance or deposit cash, bonds, or other securities with the commissioner to cover the participant's liability for health

care services performed by a non–participating provider. If the contractor becomes insolvent, this source of funds is available to pay claims for care rendered by non–participating providers.

In addition to the financial losses faced by a participant in a plan of an insolvent contractor, the participant must obtain coverage for health care services from another insurance company, contractor, or health maintenance organization. Obtaining other coverage may be impossible if the participant has a health condition that is unacceptable to other companies.

Summary: Insurance code provisions governing health care service contractors are amended to provide new procedures and standards for the protection of consumers in the event of contractor insolvency.

Any rehabilitation, liquidation, or conservation of a health care service contractor must be conducted in accordance with procedures applicable to the rehabilitation, liquidation, or conservation of an insurance company.

Consumer participants of a health care service contractor are given the same priority to any assets of their insolvent contractor as is given to policyholders of an insolvent insurance company. Participant liability for health care services rendered by a non–participating health care provider is treated as a participant claim against the contractor.

Health care service contractors must meet new net–worth standards and increased standards for deposits to protect participants from liability for health care services rendered by non–participating health care providers.

Participating health care providers are prohibited from maintaining an action against a participant to collect sums owed by the insolvent contractor.

If a contractor becomes insolvent, the other contractors and health maintenance organizations doing business in Washington must permit participants of the insolvent contractor to enroll in a health plan without proof of insurability.

A health care service contractor who offers only limited benefits is not required to offer greater benefits to persons covered by an insolvent contractor who offered broad benefits.

Votes on Final Passage:

House	95	0	
Senate	48	0	(Senate amended)
House	93	0	(House concurred)

Effective: June 7, 1990

SHB 3007

C 212 L 90

By Committee on Local Government (originally sponsored by Representative Nealey)

Relating to notice of employee pension plans provided by third class cities and fourth class municipalities.

Senate Committee on Governmental Operations

Background: Most local government employees are covered by public pension plans that are subject to state audit. Some small towns have established unauthorized pension plans for their employees. There is no requirement for a town to notify the state auditor if it provides an employee pension plan or policy that is not administered by the state.

Summary: A town must notify the state auditor if it provides a pension plan for its employees that is not administered by the state. The notice must be given at the time the auditor is conducting an audit of the town.

No third class city or town may establish a pension plan for its employees that is not administered by the state, except that any defined contribution plan that is in existence as of January 1, 1990, is authorized.

Votes on Final Passage:

House	93	0	
Senate	45	1	(Senate amended)
House	94	0	(House concurred)

Effective: June 7, 1990

SHB 3035

C 13 L 90 E1

By Committee on Appropriations (originally sponsored by Representatives Inslee, Baugher, Rayburn, Rector, Haugen, Ebersole and Rasmussen)

Funding the construction and expansion of jail facilities in Yakima County.

House Committee on Appropriations

Background: Because of recent increases in criminal behavior, mostly related to activities involving illegal drugs, the number of persons sentenced to serve time in the Yakima County jail has increased. The rated capacity of the Yakima County jail is 301 inmates. Recent daily population counts have exceeded 420, with many potential sentences postponed or abandoned due to the lack of capacity to incarcerate offenders.

Yakima county owns land and a building on which a new facility could be located and has proposed constructing a facility with space for 200 medium and minimum security beds.

Summary: Two million four hundred thousand dollars is appropriated to the Department of Community Development to provide a grant to Yakima County to design and construct a jail.

The grant is subject to the following limitations: Yakima County must demonstrate to the Department of Community Development that it can complete construction or expansion of the facility, and the grant may not exceed 80 percent of the total project cost.

Votes on Final Passage:

First Special Session			
House	92	0	
Senate	45	1	(Senate amended)
House			(House refused to concur)
Senate	36	10	(Senate amended)
House	94	0	(House concurred)

Effective: July 1, 1990

HJM 4030

By Representatives D. Sommers, Dellwo, Moyer, Silver, Rector, Schmidt, R. Fisher, R. Meyers, Fuhrman, Baugher, Prince, Nealey, Rayburn, Ferguson, Hankins, Doty, Forner, Beck, S. Wilson, Wolfe, Tate, Van Luven, Padden and Brough

Requesting that the new Division Street Bridge in Spokane be named the Sam Guess Memorial Bridge.

House Committee on Transportation
Senate Committee on Transportation

Background: Senator Sam Guess served as a member of the Washington state Senate from 1962 to 1986 and was well known for his accomplishments in the area of transportation. As a member of the Legislative Transportation Committee and the Senate Transportation Committee, Senator Guess was instrumental in the passage of legislation creating long-range highway priority programming, the scenic and recreational highway system, the Urban Arterial Board, construction of the two Lake Washington bridges, and removal of the tolls on the Tacoma Narrows Bridge.

The naming of bridges and highways is the prerogative of the Transportation Commission. The Division Street Bridge on State Route 2 in Spokane will be dismantled this year and replaced with a new facility for a total construction cost of $7.5 million. Many people feel naming the new bridge in honor of Senator Guess would be a fitting tribute to his many accomplishments.

Summary: The Transportation Commission is requested to begin proceedings to designate the new Division Street Bridge on State Route 2 as the Sam C. Guess Memorial Bridge.

Votes on Final Passage:

House	91	7
Senate	48	0

HJR 4203

By Representatives Cooper, Horn, Haugen, Ferguson, Phillips, Rayburn, Raiter, Wood, Wolfe, Nutley, Doty, Hine and Nelson

Amending the Constitution to alter the requirements for changing county boundaries.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: The constitution prohibits the Legislature from enacting special legislation changing the boundaries of a county or locating a county seat.

The constitution prohibits territory from being stricken from a county unless a majority of the voters living in such territory petition for such action, and then only under such other conditions as may be prescribed by a general law applicable to the whole state.

The constitution also requires that a new county must have a population of at least 2,000, and that no county can have its population reduced below 4,000 as the result of the creation of a new county.

Statutes provide a legal description for each of the 39 counties in the state. No enabling legislation has been enacted prescribing general conditions for creating a new county. However, since statehood, five new counties have been created, resulting in a total of 39 counties. (Thirty-four counties were "created" by the constitution.) The Legislature created each of these five counties by legislation relating exclusively to the new county and describing its boundaries.

Summary: A new county cannot be created that has a population of less than 10,000. The removal of territory from a county, as a result of an annexation or the creation of a new county, may not reduce the population of a county to less than 10,000.

The Legislature is permitted to describe the boundaries of counties in special legislation. All portions of the state must be included in a county.

Procedures are specified for the creation of a new county, annexation of territory by a county, and consolidation of counties. The Legislature is permitted to establish by general law further requirements for these actions.

The Legislature is required to enact general laws establishing procedures for voters to choose a county seat if counties are consolidated, or if the territory remaining in a county after an annexation or the creation of a new county does not include the old county seat of the county.

A new county is established when:

1) The action is initiated by petition of a majority of the voters residing in the proposed new county. However, when the new county would take territory out of more than one county, the action must be initiated by petition of a majority of the voters residing in each portion of the proposed new county that is located within each county;

2) The petition forms are certified by voting precinct;

3) The Legislature enacts a special law creating the new county, which may include boundaries different than those proposed by the petition; and

4) A ballot proposition authorizing the new county is approved by voters residing in the proposed county.

Territory can be annexed by one county from another county when:

1) The action is initiated by resolution of the county legislative authority of the annexing county or by petition of 25 percent of the voters residing in the area;

2) The legislative authority of the county from which territory is being removed adopts a resolution authorizing the annexation;

3) The Legislature enacts a special law providing for the annexation; and

4) A ballot proposition authorizing the annexation is approved by the voters residing in the area.

Two or more counties can be consolidated when:

1) The action is initiated in each of the counties either by resolution of the county legislative authority or by petition of 25 percent of the voters residing in the county;

2) The Legislature enacts a special law providing for the consolidation; and

3) A ballot proposition authorizing the consolidation is approved by the voters of each county.

Votes on Final Passage:

House 87 1
Senate 44 3

Effective: If approved by the voters, at the next General Election.

HCR 4432

By Representatives Prince, Hine, Day, Ferguson and McLean

Establishing the "Legislative Old Timers" Reunion.

House Committee on State Government

Background: For several years, legislators, legislative staff, media, and lobbyists who have worked together during a number of legislative sessions have gathered informally to socialize as "old timers."

Summary: A "Legislative Old Timers' Reunion" is established as a formal and official program to preserve traditions of public and professional service and provide a permanent connection of past and present. The chief clerk of the House and the secretary of the Senate are jointly responsible for facilitating the annual event.

Votes on Final Passage:

House 94 0

HCR 4443

By Representatives Braddock, Morris, Jones, Vekich, Rector, Baugher, Ballard, Spanel, Wood, Wineberry, Fuhrman, Pruitt, Walker, Rasmussen, Tate, Rayburn, Youngsman, Bennett, Moyer, R. Fisher, Wolfe, Jesernig, Holland, Cole, Brumsickle, Dorn, Smith, Forner, McLean, Jacobsen, D. Sommers, Nealey, May, Phillips, S. Wilson and Anderson

Creating a commission on health care cost control.

Background: Despite numerous attempts in recent years to address the lack of access to health services and rising health service costs, at both the state and national levels, problems still exist. It is estimated that in Washington state 17 percent of the population, or about 785,000 persons, are without health service coverage. This estimate has increased by 50,000 in the last three years. Of that group 57 percent are low-income persons, 53 percent are employed, and 37 percent are children.

Costs of health services continue to rise at a rate well above inflation. Nationally, $660 billion is spent annually on health services. This figure is projected to reach $1.65 trillion by the turn of the century. Presently, over $8 billion is spent annually for health services in Washington state. If national trends are followed, this figure will reach $22 billion by the year 2000.

Problems of access and cost are likely to have a detrimental effect on state and national economies,

particularly regarding the ability to compete in international markets. Small businesses are experiencing annual cost increases of over 30 percent for their employees' coverage.

Summary: The problems of health access, quality of care, and rising costs are addressed through the creation of the Commission on Health Care Cost Control and Access. The commission is composed of 17 members: three members of the House of Representatives appointed by the speaker of the House, three members of Senate appointed by the president of the Senate, and 12 members appointed by the governor to represent business, labor, health providers, senior citizens, health care service contractors, state government, and the public–at–large. The governor is to appoint the chair from among the commission members.

The commission is authorized to hire staff and use staff on loan from state agencies and the Legislature. The commission may appoint technical advisory committees and reimburse committee members for travel expenses. The commission members shall receive no compensation for their service, but shall be reimbursed for travel expenses. The commission is to have access to all the health data available to the secretary of health.

By December 1, 1990, the commission is to identify ways to use state health care purchases to reduce costs and is to report its findings to the Legislature and the governor.

By December 1, 1991, the commission is to report to the Legislature and the governor on ways to control health care costs, identify effective health services, recommend changes in the medical malpractice and liability insurance system to reduce costs, and recommend plans to ensure health care is available to all the people.

The commission will terminate on December 1, 1992.

Votes on Final Passage:

First Special Session

House	77	0

SSB 5013

C 161 L 90

By Committee on Education (originally sponsored by Senator Owen)

Relating to second class school districts changing back to having directors run at–large.

Senate Committee on Education
House Committee on Education

Background: Under current law, certain school districts are ineligible to dissolve their director districts and return to a system of electing some of their school board members on an at–large basis. Allowing districts to elect their directors both at–large and from director districts could assist districts in recruiting school board candidates.

Summary: Second class school districts may dissolve their director districts upon approval of the registered voters of the district. No fewer than three school board members from director districts and no more than two school board members at–large may then be elected. No more than two board members may reside within the same director district.

Current statutory provisions governing the dissolution process are not changed: (1) at least 20 percent of the registered voters of the district must sign a petition or the school board must adopt a motion requesting dissolution of the director districts; (2) the petition or motion must be submitted to the educational service district superintendent and the county auditor shall call for a special election; and (3) if a majority of the voters approve, the district's directors shall be elected either at–large or from director districts upon expiration of the terms of the incumbent directors.

Votes on Final Passage:

Senate	44	0	
House	97	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: June 7, 1990

SB 5169

C 100 L 90

By Senators Smith and Stratton; by request of Department of Social and Health Services

Providing for revenue collection by the department of social and health services.

Senate Committee on Children & Family Services and Committee on Ways & Means
House Committee on Human Services

Background: The Division of Revenue of the Department of Social and Health Services (DSHS) is responsible for collecting monies owed to the department.

DSHS provides medical assistance to persons suffering injuries caused by the wrongful acts of others. DSHS currently recovers its expenses for medical costs from third parties, but may not recover expenses provided by a hospital for the mentally ill or by a care center for the developmentally disabled.

DSHS audits medical providers' records to establish "usual and customary" charges by examining only the records for which services were rendered by a provider and reimbursed by the state. The concern is that other records must be examined in order to establish "usual and customary" fees.

Wrongful disclosure of patient records is punishable as a gross misdemeanor.

Summary: The Department of Social and Health Services (DSHS) recovery rights from third parties are broadened to include costs provided by a mental health department at a hospital or care center for the developmentally disabled.

The Secretary of DSHS must give written consent to any settlement or judgment of a tort claim which reduces or alters the terms of a lien.

Attorneys representing persons who have sustained injuries due to the negligent action of a third party and have received health care assistance from DSHS are required to notify DSHS before commencing a lawsuit against the third party or negotiating a settlement. Attorneys are required to give DSHS 30 days notice before a judgment, award or settlement becomes final.

The portion of attorneys' fees that the department must pay is based upon the fees and costs approved by the court, or when there is no court approval the portion is based on the written agreement between the attorney and the client, which establishes fees and costs. If the fees and costs have been approved by the court, the department may challenge them in court. If fees and costs are not approved by the court, the attorney must send a copy of the written settlement agreement to the department. The department may also request and examine the attorney's records of the fees and costs charged to the client in the matter.

DSHS authority to audit medical providers' records is limited to such random provider records of accounts billed and received, to determine whether or not the charges are usual and customary of the prevailing charges in the area.

Any overpayment discovered as a result of an audit shall be offset by any underpayments discovered in the same audit.

Unless patients are public assistance recipients or applicants, their names shall not be provided to the department. The penalty for wrongful disclosure of patient records by the department is raised from a gross misdemeanor to a class C felony.

Votes on Final Passage:

Senate	46	0	
House	93	1	(House amended)
Senate	46	0	(Senate concurred)

Effective: June 7, 1990

SSB 5206

C 229 L 90

By Committee on Ways & Means (originally sponsored by Senators Gaspard and McDonald)

Changing provisions relating to the economic and revenue forecast council.

Senate Committee on Ways & Means
House Committee on Revenue

Background: Prior to 1984, state revenue forecasts were prepared by the Office of Financial Management. In the 1981–83 biennium, there were six downward adjustments in the revenue forecast amounting to almost $1.6 billion. These adjustments required numerous legislative actions increasing taxes and cutting budgets.

As a result of this experience, the forecasting process was changed in 1984 by establishment of the Economic and Revenue Forecast Council. This six–member council is comprised of one member of each party from the House and Senate and two members appointed by the Governor.

The council's staff is located in the Department of Revenue. A forecast supervisor is hired by the Director of the Department of Revenue with the approval of five members of the council. The supervisor serves for a three–year term and may be rehired following each term. The supervisor is responsible for hiring additional staff. The supervisor and staff are exempt from civil service but their salaries are established by the Department of Personnel.

A 1983 bill changing the forecasting process was vetoed. The bill enacted in 1984 was similar to the 1983 bill. In the 1983 bill, the supervisor and council staff were not under the jurisdiction of the Department of Revenue.

Summary: Administration of the supervisor and staff of the Economic and Revenue Forecast Council is transferred from the Department of Revenue to the council.

The assets, budget, and staff of the department that pertain to the council are transferred to the council.

At the end of the first year of each three–year term of the supervisor, the council may establish a new three–year term. The council is authorized to fix the compensation of the supervisor.

The staff of the Economic and Revenue Forecast Council is required to co–locate with the tax research section of the department, and to share information, data, and files without duplication of functions.

Votes on Final Passage:

Senate	46	0
House	97	0

Effective: July 1, 1990

SSB 5300

C 72 L 90

By Committee on Economic Development & Labor (originally sponsored by Senators Lee, Smitherman, Murray, West, Anderson, Johnson, Williams, Rasmussen and McMullen; by request of Department of Labor and Industries)

Updating references to women and minorities in apprenticeship programs statute.

Senate Committee on Economic Development & Labor
House Committee on Commerce & Labor

Background: In the statutes providing for joint apprenticeship programs and vocational education, there are several affirmative action provisions designed to increase the participation of "minority races." This term is currently defined as "Blacks, Mexican–Americans or Spanish Americans, Orientals, and Indians or Filipinos."

The primary standard is that any program under Chapter 49.04 RCW include members of minority races in a ratio equal to that found in the general population. Noncompliance could result in a withdrawal of state funds from the program or facilities unless a genuine effort to comply has been made.

Community colleges, vocational schools, and high schools must make every effort to enlist minority race representation in apprenticeship programs they conduct.

Employer and employee groups, the Apprenticeship Council and local and state apprenticeship committees

(established elsewhere in the chapter) must make every effort to enlist minority race representation, with aid from the Department of Labor and Industries.

Summary: All references to "minority races" in the affirmative action provisions in the chapter on apprenticeship described above are changed to "women and racial minorities."

The primary standard under Chapter 49.04 RCW is changed to include women and minority races in a ratio not less than the percentage of the minority race and female (minority and nonminority) labor force in the program sponsor's labor market area.

The definition of "minority race" is changed to African Americans, Asian Americans, Hispanic Americans, American Indians, Filipinos, and all other racial minority groups.

Votes on Final Passage:

Senate	40	0	
House	97	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: June 7, 1990

SSB 5340

C 203 L 90

By Committee on Financial Institutions & Insurance (originally sponsored by Senators Warnke, Smitherman and Johnson)

Regulating disbursements by escrow agents.

Senate Committee on Financial Institutions & Insurance
House Committee on Financial Institutions & Insurance

Background: Escrow agents must receive certain deposits to an escrow account before any disbursements can be made from the account. Permissible forms of deposits are specified by state statute and include cash, certain checks and money orders, and depository checks governed under the federal Expedited Funds Availability Act.

Some concern has been expressed that the use of depository checks places risk upon the other depositors of an escrow agent's trust account. Federal law requires these depository checks be available for disbursement in one business day regardless of whether the instrument has completed the clearing process. Critics contend disbursements may be required prior to the clearance of the depository check.

In addition, retailers and other businesses who accept personal checks in payment for goods or services have a legal right to request reasonable identification from the person presenting the check. Most retailers and businesses require customers paying by check to present a driver's license and a major credit card. In most cases, the retailer records the driver's license and credit card numbers on the check. Some concern has been expressed that recording credit card numbers on checks increases the opportunity for credit card fraud.

Summary: An escrow agent may not make a disbursement until the next business day after the business day on which the funds are deposited. This requirement does not apply to deposits made in cash, interbank electronic transfers, and other forms of deposit that are convertible to cash on the same day the deposit is made.

If a credit card is shown as proof of identification or creditworthiness, the credit card number may not be recorded when a payment is made by check. However, the recording of credit card numbers is permitted when the credit card serves in lieu of a security deposit.

Votes on Final Passage:

Senate	40	0	
House	96	0	(House amended)
Senate			(Senate refused to concur)
Free Conference Committee			
House	93	0	
Senate	41	0	

Effective: June 7, 1990

SB 5371

PARTIAL VETO

C 10 L 90 E1

By Senators Gaspard, Bailey and Bauer

Establishing an award for excellence in teacher preparation.

Senate Committee on Education
House Committee on Education

Background: The state currently supports programs to recognize students' academic and vocational achievements and to recognize the contributions of teachers, principals, school boards, and superintendents. It is suggested that a similar state-level program be established to recognize the contributions made by those who educate teachers, faculty of teacher preparation programs.

Practicing teachers who supervise student teachers are an important link in the state's system of teacher preparation. It is suggested that one way the state can recognize these "cooperating" teachers for the time and energy they contribute to teacher candidates is to provide stipends.

Summary:

Washington Award for Excellence in Teacher Preparation Program:

The Washington Award for Excellence in Teacher Preparation Program is established to recognize each year one teacher preparation faculty member from one teacher preparation program approved by the State Board of Education. The Governor, the president of the State Board of Education, and the Superintendent of Public Instruction shall present a certificate to the recipient.

The professional education advisory board of the institution from which the teacher educator is selected may apply for an educational grant not exceeding $2,500 within one year after the award.

The State Board of Education adopts rules including selection criteria. Selection criteria include innovations in teacher preparation programs and communication about those efforts.

Excellence in Teacher Preparation Program:

The Excellence in Teacher Preparation Program is established to provide cooperating teachers for all student teachers during their student teaching internship. The Superintendent of Public Instruction shall adopt rules governing the program.

All student teacher interns from a teacher preparation program approved by the State Board of Education will be provided a cooperating teacher for up to two academic quarters. The cooperating teacher, in collaboration with the school principal, will provide sustained training and support to the intern, and be involved in evaluations and recommendations regarding the intern's competency.

The cooperating teachers will be appointed by school districts in a joint selection process with the institutions of higher education. Candidates must hold a continuing professional certificate to be eligible for selection.

Through supplemental contracts, cooperating teachers will be paid salary stipends from state general funds appropriated for this purpose. Funds may also be appropriated for the institutions of higher education, in consultation with the Superintendent of Public Instruction, to provide training workshops for cooperating teachers.

The Excellence in Teacher Preparation Program becomes effective when funds are appropriated by the Legislature.

Appropriation: $2,500 to the SPI for the Washington Award for Excellence in Teacher Preparation Program.

Votes on Final Passage:

Senate	47	0
House	97	0
Senate		(Returned to Rules by resolution)

First Special Session

Senate	46	0
House	96	0

Effective: July 1, 1990

Partial Veto Summary: Language precluding the Superintendent of Public Instruction from adopting rules for the Excellence in Teacher Preparation Program until the program is funded is deleted. The SPI may adopt rules, though the program is not effective until funded by the Legislature. (See VETO MESSAGE)

SB 5431

C 131 L 90

By Senators Bauer, Smith, Sutherland, McDonald and Vognild

Exempting property from the leasehold excise tax.

Senate Committee on Ways & Means
House Committee on Revenue

Background: Public corporations, commissions, or authorities receive the same immunity or exemption from taxes as the cities or towns which form them. However, such bodies must pay an in lieu excise tax on real and personal property, equal to the regular property taxes which would have been paid if the property had been privately owned. The exceptions to this are: (a) property within a special review district established prior to January 1, 1976, or listed on a state or federal register of historical sites, or within a special review district listed on such a register, and (b) property devoted primarily to low–income housing.

The leasehold excise tax does not apply to property meeting condition (a), above, controlled by a public corporation, commission or authority which was also in existence before January 1, 1976.

Summary: The leasehold excise tax exemption is extended to public corporations, commissions, and authorities established prior to January 1, 1987.

Votes on Final Passage:

Senate	46	0
House	96	0

Effective: June 7, 1990

SSB 5450

C 243 L 90

By Committee on Education (originally sponsored by Senators Talmadge, Moore, Murray and Bauer)

Providing for education in Pacific Rim languages.

Senate Committee on Education
House Committee on Higher Education
House Committee on Appropriations

Background: The Legislature acknowledges that it is important to the economic future of Washington State for citizens to be knowledgeable about the languages, history, culture, and geography of Pacific Rim nations. A scholarship program is proposed to encourage students to become proficient in Pacific Rim languages and to further their expertise.

Summary: The Washington State Pacific Rim Language Scholarship Program is created. The program will be administered by the Higher Education Coordinating Board. The board's program responsibilities include selecting scholarship recipients with the help of a screening committee. The responsibilities also include rule adoption, program publicity, and solicitation and acceptance of grants and donations.

The board will select up to four scholarship recipients yearly from each congressional district. Each recipient must be a high school senior who intends to enroll in a public or independent accredited college or university in the state within one year of high school graduation.

Of the four recipients selected in each district, one must be proficient in speaking Spanish, one in Russian, one in Japanese, and one in Chinese. Using measures as objective as possible, the board will select students who have shown the most improvement in high school in their ability to speak their chosen language.

Each recipient will receive up to $1,000 when the recipient enrolls in a college or university. The scholarship is not renewable.

By October 30, 1995, the board will report on the program to the Governor and the House and Senate Committees on Higher Education. The report will include a recommendation on program expansion.

The program will expire on June 30, 1996.

The temporary permit issued by the Superintendent of Public Instruction to qualified nonimmigrant aliens for teaching as exchange teachers in the public schools is renewable more than once for more than one year.

The Superintendent of Public Instruction shall encourage school districts to establish teacher exchange programs with schools in Pacific Rim nations.

Votes on Final Passage:

Senate	47	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate			(Senate refused to concur)
Free Conference Committee			
House	95	2	
Senate	43	0	

Effective: June 7, 1990

SB 5487

C 85 L 90

By Senators McCaslin, DeJarnatt and Thorsness

Requiring real estate licensees to disclose certain information in writing.

Senate Committee on Governmental Operations
House Committee on Commerce & Labor

Background: The Director of the Department of Licensing may suspend or revoke the license of a real estate licensee or impose fines of less than $1,000 for various violations. Certain disclosures to clients are required of real estate licensees and failure to make them is grounds for suspension or penalty. Real estate licensees advertising their own property for sale must disclose the name of their broker in any advertising. Disclosure that a licensee represents both parties to a transaction need not be in writing.

Summary: Real estate licensees advertising their own property for sale must disclose only that they hold a real estate license. Licensees must make written disclosure when representing both parties to a real estate transaction.

Votes on Final Passage:

Senate	40	0	
House	95	0	(House amended)
Senate	45	3	(Senate concurred)

Effective: June 7, 1990

SSB 5545

C 188 L 90

By Committee on Higher Education (originally sponsored by Senators Smitherman and Saling)

Establishing the state board for vocational education.

Senate Committee on Higher Education
House Committee on Higher Education

Background: Pursuant to the Sunset Act, the Commission for Vocational Education and its powers and duties were repealed on June 30, 1987. The Governor, through a series of executive orders, created the State Board for Vocational Education to assume those powers and duties. The board serves as the sole state agency for receipt and allocation of federal vocational funds under the Carl Perkins Vocational Education Act, and administers the federal Job Training Partnership Act's Eight Percent Education, Coordination and Grants Program. The board also administers the state Job Skills Program and the state Private Vocational School Licensing Act, and approves vocational programs for recipients of veterans benefits.

Summary: The State Board for Vocational Education is formally created as a state agency and as the successor agency to the Commission for Vocational Education. The board is responsible for carrying out any statutory duties formerly administered by the Commission for Vocational Education, including the Private School Licensing Act, the Job Skills Program, and the Washington Award for Vocational Excellence. The board may delegate by interagency agreement responsibility for administering the Washington Award for Vocational Excellence to any existing state agency, board, or council. Rules of the Commission for Vocational Education remain in effect until the board acts to adopt or revoke those rules. A termination date of July 1, 1992, is specified for the State Board for Vocational Education.

The Private Vocational School Licensing Act is amended to require private vocational schools to assess potential students who may benefit from the program. The private vocational schools are also required to counsel potential students regarding the obligations incurred by signing an enrollment contract and incurring any debt for educational purposes. It is an unfair business practice for schools or agents to advertise in help wanted ads or recruit near welfare or unemployment offices. This does not include leaving or distributing materials where no attempt is made to actively pursue enrollment of an individual. The definition of "private vocational school" is changed to require each location where a business operates a school to be licensed. The Federal Aviation Administration exemption is restricted to schools only offering FAA certified courses. The agency is given specific authority to adjudicate disputes resulting when a school "ceases to provide educational services" rather than after closure of the school.

Votes on Final Passage:

Senate	47	1	
House	65	32	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede; asked for conference)
Senate			(Senate refused conference)
House			(House receded)
House	86	11	(House amended)
Senate	45	0	(Senate concurred)

Effective: March 26, 1990 (Sections 1–4, 11)
June 7, 1990

3SSB 5550

C 168 L 90

By Committee on Ways & Means (originally sponsored by Senators Lee, Williams and Fleming)

Providing a procedure for the classification and valuation of property devoted primarily to low-income housing.

Senate Committee on Economic Development & Labor and Committee on Ways & Means
House Committee on Housing
House Committee on Revenue

Background: A proposed constitutional amendment, SJR 8212, would allow property with dwelling units that is devoted to low-income housing and contains at least five low-income dwelling units to be valued at current use value rather than true and fair market value for property tax purposes. Current use taxation reduces redevelopment pressure.

Summary: Valuation of property with buildings, and valuation of mobile home parks, that are primarily devoted to low-income housing and contain at least five low-income dwelling units, or low-income mobile home spaces in respect to mobile home parks, may be based on current use value rather than market value for property tax purposes.

In the event that property or a mobile home park is not entirely devoted to use as low-income housing,

only the portion that is devoted to such use is to be assessed at its current use valuation. The remaining portion of the property is to be valued at its highest and best use.

A low–income person is defined as one whose annual family or household income does not exceed 50 percent of the median income in the area in which the qualifying property is located.

A dwelling unit is defined as a structure that is used as a home, residence, or sleeping area by one or more persons maintaining a common household, including but not limited to units of multiplexes and apartment buildings.

For property tax purposes, current use valuation is authorized for the property, including areas used for parking and landscaping required by local building and zoning ordinances, if it meets all of the following criteria: (a) at least 50 percent of the rentable floor area of the building or 50 percent of the mobile home spaces in the mobile home park must be dedicated to housing for low–income households; (b) at least five dwelling units or mobile home spaces are occupied by persons of low–income; (c) the rents charged to low–income persons are at or below market rates established by the federal government or a local housing authority, or at or below 15 percent of the area median income; and (d) the property complies with local health and safety standards.

Current use valuation is not authorized for: (a) substandard buildings; (b) institutional housing, except housing under contract to a governmental organization or private health care organization; (c) employee housing, including contract workers, employees, or relatives of the owner; and (d) any property beyond five acres, excluding mobile home parks.

In computing the current use value, the county assessor is to disregard: (a) potential uses that might return a higher income; (b) rents that might be charged were the owner to maximize returns; and (c) the value of the property if either the land or the improvements were unencumbered by their current commitment to low–income housing. The assessed value is to be the lesser of the property's value based on current use or its value if it were assessed without regard to this classification.

Property classified as "devoted to low–income housing" must remain in that use for at least ten years. After eight years, the owner of the property may choose to change its use. Two years' notice of a change in classification must be given to the assessor of the county in which the property is located. Upon removal from classification, the property is subject to the same taxes, interest and penalties that apply to agricultural lands, timber lands, and other property under Chapter 84.34 RCW, the Open Space Act.

Votes on Final Passage:

Senate	45	4	
House	92	3	(House amended)
Senate	44	4	(Senate concurred)

Effective: Upon approval by the voters at November 1990 general election

SSB 5554

C 27 L 90

By Committee on Transportation (originally sponsored by Senators Patterson, Hansen, Madsen and Benitz; by request of Utilities and Transportation Commission)

Providing for testing of railroad track scales.

Senate Committee on Transportation
House Committee on Agriculture & Rural Development

Background: Railroads operating in the state of Washington are required to provide a special car to test track scales for accuracy. The Utilities and Transportation Commission currently administers the testing program. There are approximately 33 scale owners and 66 scales in the state which require inspection. Of the 66 existing truck scales, only eight are railroad–owned.

Most commercial testing and inspections are carried out by the state Department of Agriculture through its weights and measures section.

Summary: Responsibility for the track scale testing program is transferred from the Utilities and Transportation Commission to the Department of Agriculture.

The responsibility for providing facilities to test track scales and all costs of the program are apportioned among all track scale owners benefiting from the test facilities.

Votes on Final Passage:

Senate	46	1
House	97	0

Effective: June 7, 1990

SB 5593

C 28 L 90

By Senators Patterson, DeJarnatt, McMullen, Nelson, Thorsness, Barr and von Reichbauer; by request of Department of Transportation

Conforming vehicle length requirements to federal law.

Senate Committee on Transportation
House Committee on Transportation

Background: In 1982, Congress passed the Surface and Transportation Assistance Act that, among other things, set a length limit on certain vehicles allowed on the interstate highway system. The current length limit set by state statute for single and double trailers refers to the permanent structure only. Historically, the Department of Transportation has included load length in these measurements.

In 1988, the Federal Highway Administration, through its rulemaking procedure, clarified the length on automobile transporters to allow loads with a three–foot front overhang and a four–foot rear overhang.

A change in state law is needed to address the recent federal rule change and to clarify existing state law for enforcement purposes.

Summary: Current law on vehicle length limitations is clarified to mean with or without load. The three–foot front and four–foot rear overhang on automobile and boat transporters are exempt from statutory load length requirements, as mandated by federal regulation.

Votes on Final Passage:

Senate	47	0
House	95	0

Effective: June 7, 1990

SSB 5594

C 219 L 90

By Committee on Health Care & Corrections (originally sponsored by Senators Nelson, West, Wojahn, Smith, Newhouse, Conner, Niemi and Sutherland)

Allowing prescriptions to be filled across state borders.

Senate Committee on Health & Long–Term Care
House Committee on Health Care

Background: Prescriptions from dentists, podiatrists, and veterinarians practicing in Canadian provinces or elsewhere in the U.S. may not be filled by Washington pharmacies. However, prescriptions issued by physicians or other specified prescribers in these bordering areas can be filled in Washington State pharmacies.

Summary: Drug prescriptions from dentists, podiatrists, and veterinarians licensed in a province of Canada that shares a common border with the state of Washington, or licensed in other states, may be filled by in–state pharmacies.

Votes on Final Passage:

Senate	48	0
House	96	0

Effective: March 27, 1990

SB 5712

C 65 L 90

By Senator Kreidler

Changing provisions relating to the environmental hearings office.

Senate Committee on Environment & Natural Resources
House Committee on Environmental Affairs

Background: In promotion of efficient and economically responsible government, the Legislature of 1979 created an environmental hearings office by consolidating the administration of the Pollution Control Hearings Board, the Forest Practices Appeals Board, and the Shorelines Hearing Board. The chairman of the Pollution Control Hearings Board acts as the chief executive officer of the Environmental Hearings Office. In order to address changes in job titles and agency procedures that have occurred since 1979, the Environmental Hearings Office has requested an updating of the enabling statute.

Summary: The title of "hearing examiner" is changed to "administrative appeals judge." The authority to appoint an administrative appeals judge is given to the chief executive officer of the Environmental Hearings Office, replacing the Pollution Control Hearings Board. The administrative appeals judge is required to have a demonstrated knowledge of environmental law, and be admitted to the practice of law in the state of Washington. The chief executive officer is empowered to appoint additional administrative appeals judges, appoint, discharge and fix the compensation of administrative or clerical staff as necessary, and contract for required services.

References to the Administrative Procedure Act (APA) at RCW 34.04 are changed to reflect the revised APA which is now found at RCW 34.05.

Votes on Final Passage:

Senate	48	0	
House	96	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: June 7, 1990

2SSB 5835

PARTIAL VETO

C 301 L 90

By Committee on Energy & Utilities (originally sponsored by Senators Benitz and Rasmussen)

Creating an energy information program for local school district use.

Senate Committee on Energy & Utilities
House Committee on Education

Background: It has been several years since an energy supply crisis has impacted the Northwest region. Electricity consumption has grown unexpectedly, as has consumption of motor fuels.

All energy sources have advantages and disadvantages, conditions which may not be fully realized by all energy consumers.

If continued economic growth requires the addition of new supplies of energy, the future supply decisions will affect citizens for several decades. Current law requires local school districts to provide instruction in science with special reference to the environment.

Summary: The Office of the Superintendent of Public Instruction (SPI) is directed to develop a voluntary energy information program for use in local school districts, using existing curriculum. The program shall include the role of energy in the economy, descriptions of energy sources, the advantages and disadvantages to future supplies of energy and descriptions of ways to use energy more efficiently. When implementing this program, SPI shall emphasize teacher training, dissemination of energy education curriculum, and using local energy experts in the classroom. SPI is directed to establish an advisory committee to provide recommendations on implementing an energy education program.

Votes on Final Passage:

Senate	42	0	
House	79	18	(House amended)
Senate	46	0	(Senate concurred)

Effective: June 7, 1990

Partial Veto Summary: The section directing SPI to establish an advisory committee is vetoed. (See VETO MESSAGE)

2SSB 5845

C 110 L 90

By Committee on Ways & Means (originally sponsored by Senators Bailey, Metcalf, DeJarnatt, Owen, Thorsness, Smitherman, Bauer and McMullen)

Increasing steelhead trout production.

Senate Committee on Environment & Natural Resources and Committee on Ways & Means
House Committee on Fisheries & Wildlife
House Committee on Appropriations

Background: Steelhead trout are a highly valued recreational fish and many people would like to enjoy enhanced fishing opportunities for steelhead trout.

The Department of Wildlife has not increased its state funded steelhead program for many years and there is considerable opportunity to increase the production of steelhead trout.

Summary: The Legislature establishes a production goal of doubling the statewide recreational steelhead trout and resident game fish catch by the year 2000. The Wildlife Commission shall develop a plan to accomplish a doubling of recreational steelhead and resident game fish catch, and shall submit the plan to the Legislature by December 31, 1990. The plan shall include recommendations on funding mechanisms and shall contain an economic benefit analysis.

Votes on Final Passage:

Senate	44	0	
House	96	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: June 7, 1990

2SSB 5882

PARTIAL VETO

C 291 L 90

By Committee on Law & Justice (originally sponsored by Senator Nelson)

Establishing definitions and revising penalties for reckless, negligent, and inattentive driving.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: A person is guilty of reckless driving if he or she operates a vehicle in "willful or wanton disregard for the safety of persons or property." Negligent driving is less than, but included in, the offense of reckless driving and requires "operation of a vehicle in such a manner as to endanger or is likely to endanger persons or property." There is no offense under current law to cover "inattentive" driving.

A charge of reckless driving is a misdemeanor and carries a penalty of up to 90 days in the county jail, a fine not to exceed $1,000 and a 30 day license suspension.

Negligent driving convictions are misdemeanors with a fine not to exceed $250. No jail or license suspension is provided.

Summary: The penalty for reckless driving is raised to a gross misdemeanor punishable by imprisonment of not more than one year and a fine of not more than $5,000.

The penalty for negligent driving remains a misdemeanor; however, the penalty is increased to include imprisonment of up to 90 days and a fine not to exceed $1,000.

Negligent driving and vehicular assault are delineated as crimes which may occur on private property.

To operate a vehicle in an inattentive manner is a traffic infraction.

Votes on Final Passage:

Senate	42	6
House	96	0

Effective: June 7, 1990

Partial Veto Summary: The negligent driving provisions that would have increased the fine from $250 to $1,000 and would have provided for imprisonment for up to 90 days are eliminated. The new traffic infraction of inattentive driving is also vetoed. (See VETO MESSAGE)

SSB 5935

C 93 L 90

By Committee on Governmental Operations
(originally sponsored by Senators Williams, Cantu, Niemi and Lee)

Creating the capitol campus design advisory committee.

Senate Committee on Governmental Operations
House Committee on State Government

Background: Development of the Capitol Area Master Plan was authorized in the 1981 capital budget. By Executive Order, Governor Spellman established a design advisory committee to work with the legislative panel responsible for evaluating proposals to perform the Master Plan study.

The 1988 and 1989 capital budgets specifically called for creation of a Capitol Campus Design Advisory Committee of similar composition to the earlier body. Its primary function in the interim was to work with the plans for the East Capitol Campus. It has been suggested that the Design Advisory Committee be made permanent.

Summary: The Capitol Campus Design Advisory Committee is established as an advisory group to the Capitol Committee and the Director of General Administration, to review design and landscaping plans of State Capitol facilities and grounds. The committee is also charged with making recommendations that will contribute to architectural, aesthetic, functional and environmental excellence.

The Governor appoints four members to the committee (two architects, a landscape architect and an urban planner) and names both the chair and vice chair. The Director of General Administration provides staff and resources for the work of the committee, which must meet at least every 90 days and at the call of the chair.

Other members of the committee include the Secretary of State and four legislators, one from each caucus of the House of Representatives appointed by the Speaker, and one from each caucus of the Senate appointed by the President.

The advisory committee is to review plans for the state Capitol Campus as they are developed by or for the Capitol Committee. Such review includes:

- Design, siting and grouping of state facilities on the Capitol Campus as they relate to service needs of state government and the impact on the local community;
- Relationship of the overall State Capitol plan to the comprehensive plans of Olympia, Lacey, Tumwater and Thurston County; and
- Overall landscaping plans, including planting proposals, outdoor sculptures and access to the Capitol.

In addition, the advisory committee participates in the solicitation of designers and design proposals for on-campus projects. If so directed by the Capitol Committee, the advisory committee may participate in the final selection process for design-build proposals.

Votes on Final Passage:

Senate	46	0
House	78	19

Effective: June 7, 1990

2SSB 5993

C 281 L 90

By Committee on Energy & Utilities (originally sponsored by Senators Benitz, Stratton, Newhouse and Hayner)

Promoting the use of one thousand acres leased on the Hanford reservation.

Senate Committee on Energy & Utilities
House Committee on Trade & Economic Development
House Committee on Appropriations

Background: In 1964 the state entered into a 99–year lease of 1,000 acres of federal land located at Hanford. The lease stipulates that the state should actively promote subleases of the land for nuclear–related industry on the site. Original oversight of the lease was under the jurisdiction of the Department of Commerce and Economic Development.

The Department of Ecology presently oversees the lease. The state has subleased 100 acres to one firm that operates a commercial low–level radioactive disposal facility on the site.

The Tri–Cities area near the Hanford reservation contains a highly–educated and skilled work force and state–of–the–art facilities, such as the Fast Flux Test Facility and the Battelle Pacific Northwest Laboratories. There is concern that a reduction of federal funding for Hanford–area projects could have a severe negative effect on the Tri–Cities' economy.

Summary: The Department of Trade and Economic Development is directed to promote the existence of the lease and the possibility of subleases for nuclear related industries. The department is also required to promote the existence of the highly skilled and trained work force in the Tri–Cities area, and the availability of such facilities as the Fast Flux Test Facility and the Battelle Pacific Northwest Laboratories.

Appropriation: $40,000

Votes on Final Passage:

Senate	45	1	
House	97	0	

Effective: June 7, 1990

2SSB 5996

C 158 L 90

By Committee on Energy & Utilities (originally sponsored by Senators Benitz and Hayner)

Authorizing feasibility study of waste management education.

Senate Committee on Energy & Utilities and Committee on Higher Education
House Committee on Higher Education

Background: The management and safe disposal of hazardous and radioactive waste requires highly specialized skills. Major waste cleanup efforts have begun on the Hanford Reservation and at Superfund sites throughout the state. Concern has been raised that certain positions related to these cleanup efforts have remained vacant due to a lack of personnel who meet the specialized qualifications.

Summary: Washington State University (WSU) and Columbia Basin College (CBC) are directed to study the feasibility of establishing associate, baccalaureate, and graduate degree level waste management programs in the Tri–Cities by the 1991–92 school year.

WSU and CBC are directed, by December 1, 1990, to report on the results of the study to the Legislature, the State Board for Community College Education, and the Higher Education Coordinating Board.

Votes on Final Passage:

Senate	46	0	
House	94	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: June 7, 1990

SSB 6031

C 143 L 90

By Committee on Law & Justice (originally sponsored by Senators Nelson, Rasmussen, Talmadge and von Reichbauer)

Establishing voter registration availability with driver's licensing.

Senate Committee on Law & Justice
House Committee on State Government

Background: Despite significant population growth over the last decade, statistics indicate that voter participation in elections has been declining, particularly at the national level. State election officials are concerned with this downward trend in voter turnout, and

are proposing ways to broaden and facilitate the current voter registration process. One method is to allow voter registration at driver licensing facilities (motor voter).

Summary: A person may register to vote or transfer a voter registration when he or she applies for or renews a driver's license or identification card, and provides the driver licensing agent with information necessary to ensure correct identification and location of residence. Before issuing an original license, identification card, or license renewal, the licensing agent must determine if the applicant wants to register to vote or transfer his or her registration. If so, the agent provides the applicant with a voter registration form with instructions, and then records the applicant's request to register to vote.

Each driver licensing facility in the state is required to send completed voter registration forms to the Secretary of State's office at the end of each week. The Department of Licensing must produce and transmit a machine–readable file, containing information from the records of each individual who requests a voter registration or transfer, to the Secretary of State at the end of each week.

The Secretary of State must sort the records in the machine–readable file according to the county in which the applicant registers to vote. The secretary delivers the voter registration forms and the machine–readable files from the Department of Licensing with a control listing of voter registration transactions to the county auditors no later than ten days after transmittal from the driver's licensing facilities.

The current voter registration requirements and forms are modified to ensure conformity with the motor voter registration provisions. Appropriate penalty provisions are updated in order to provide improved enforcement authority over fraudulent voter registration practices.

The Secretary of State is required to coordinate with the Department of Licensing and county auditors in order to implement these provisions. In addition, the secretary must adopt rules to maintain the safeguards of the voter registration process.

Votes on Final Passage:

Senate	41	6	
House	95	0	(House amended)
Senate			(Senate refused to concur)
House	95	0	(House receded)

Effective: June 7, 1990
January 1, 1992 (Sections 1–8)

SB 6091

C 7 L 90 E1

By Senators McDonald, Gaspard, Hayner and Vognild

Making an appropriation for the budget stabilization account.

Senate Committee on Ways & Means
House Committee on Appropriations

Background: The budget stabilization account was created in 1981 to be implemented in the 1983–85 biennium. The statute specifies three types of transfers to the account by appropriation: transfers whenever personal income growth adjusted for inflation exceeds 3 percent; transfers of ending cash balances; and other transfers as determined by the Legislature.

Withdrawal of funds from the account requires a 60 percent favorable vote of each house. The funds may be used: to continue programs at budgeted levels if state revenues are less than forecast; to provide the Governor with reserve expenditure authority if revenues are less than forecast; for labor force training; and to reduce unemployment caused by economic cycles.

Summary: $200 million is appropriated from the general fund to the State Treasurer for immediate transfer to the budget stabilization account.

Appropriation: $200 million

Votes on Final Passage:

Senate	27	22
First Special Session		
Senate	27	20
House	93	1

Effective: April 5, 1990

SB 6114

FULL VETO

By Senator McDonald

Relating to corrections.

Background: The state of Washington operates several correctional institutions for the long–term incarceration of adult offenders. It has been suggested that unique impacts may be felt by some local communities in which these institutions are located as a result of families of inmates relocating to be near incarcerated offenders.

Summary: The Legislature finds that the state has an obligation to mitigate the inordinate impacts on local

communities from the relocation of inmate families, through the payment of mitigation funds to those local governments.

The Department of Corrections is required to provide mitigation funds to counties where state correctional institutions are located based on the number of families living in close proximity to the institution. An amount of $2,500 per inmate family will be provided to each eligible county on an annual basis.

Counties may share the mitigation funds with cities or towns in which the correctional institution is located. The Office of Financial Management is required to develop specified application and payment procedures by July 1, 1991.

Votes on Final Passage:

First Special Session		
Senate	46	1
House	86	4

FULL VETO: (See VETO MESSAGE)

SB 6164

C 202 L 90

By Senators Newhouse, Talmadge, Warnke, Benitz, Bauer, Rasmussen, Conner, Barr, Moore, Sutherland, Hansen and Kreidler

Revising provisions for the transportation of food products.

Senate Committee on Health & Long-Term Care
House Committee on Agriculture & Rural Development
House Committee on Appropriations

Background: Current state law does not specifically prohibit or regulate the practice of intrastate transport of bulk food products in the same truck tanker, railway hopper car, or shipping vessel which previously transported other substances that could contaminate the food. Recent reports have indicated that this practice occurs and concerns have been raised about public health consequences of such practices.

Summary: The Uniform Food, Drug and Cosmetic Act is amended to regulate intrastate transport of bulk food products. The Director of Agriculture and the Secretary of Health, in consultation with other state agencies and the food product and transport industries, are directed to adopt joint rules and the Department of Agriculture is designated to enforce the regulations.

Vehicles are subject to regulation if used for commercial transport of bulk food-related products and have a gross weight of 10,000 pounds or more. This includes: motor vehicles, motor trucks, trailers, railway cars and water conveyance vessels. The transport of raw agricultural commodities from the point of production to the first facility of processing or packaging is exempt from regulation.

Food-related products include any bulk articles used for food or drink by humans, any components used in making food or drink, and food-grade substances which are used as food additives or used in processing or sanitizing of food or drink for human consumption or the maintenance of food processing equipment.

Further rules are to be developed to identify food-compatible substances that do not pose a hazard to human health. Procedures are to be established for cleaning vehicles between shipments of nonfood and food-related or food-compatible substances. Certificates are to be issued by parties responsible for cleaning vehicles which attest that the vehicle has been cleaned according to state standards. The certificates are to be maintained by the owner for at least three years.

The intrastate transport of food-related and food-compatible products shall be permitted only in vehicles marked as "food or food-compatible."

Procedures are to be established to rehabilitate vehicles previously used to transport nonfood substances so they may safely transport food-related and food-compatible substances. The Department of Agriculture shall inspect rehabilitated vehicles and certify that they meet state standards. Fees may be established by the director to recover the costs incurred by the agency.

The director and the secretary are required to identify a list of banned substances which render a vehicle permanently unsuitable for use in transporting bulk food-related or food-compatible substances. Vehicles carrying banned substances may not be rehabilitated.

Civil penalties are established for violations of the intrastate food transport regulations. A fine of no more than $5,000 shall be assessed for the first violation or the first violation within a five-year period. Subsequent violations are subject to a fine of no more than $10,000.

The Director of Agriculture and the Secretary of Health, in consultation with industry, are directed to study the possible contamination and health hazards associated with mixed shipment of packaged food-related and nonfood items. A report to the Legislature is due by January 1, 1992.

Votes on Final Passage:

Senate	48	0	
House	97	0	(House amended)
Senate	41	0	(Senate concurred)

Effective: June 7, 1990

SSB 6167

C 44 L 90

By Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Rasmussen, McCaslin, Smitherman, Matson, Moore, Johnson, Warnke, Bauer and Conner; by request of Attorney General)

Regulating motor vehicle subleasing and ownership transfers.

Senate Committee on Financial Institutions & Insurance
House Committee on Financial Institutions & Insurance

Background: Auto brokerage firms solicit people who are having difficulty making their car payments to enter into agreements with them to help the car owner get out from under the payments. The auto broker has the car owner enter into an agreement where the broker will find someone to assume the liability on the vehicle. The auto broker then finds an individual to either sublease or purchase the car and charges that person a fee usually between $500 and $2,000.

Problems arise when the auto broker fails to tell the bank or financing company about the transfer of ownership. The company holding the financing on the vehicle can legally repossess a car when it learns of the transfer. As a result, both the buyer and the selling parties may be subject to an unexpected repossession of the vehicle. If the lender or finance company repossesses the vehicle, the person who originally was having difficulty with the payments acquires a negative credit history and the person who took over the payments for a substantial fee loses the car.

Recently the Attorney General's office brought two consumer protection lawsuits against several auto brokers in the western Washington area. Several states have adopted statutes prohibiting these practices.

Summary: The unlawful transfer or sublease of a motor vehicle is made a class C felony. A violation of the act constitutes a crime under the criminal profiteering statute. To engage in the unlawful transfer or sublease of a motor vehicle is an unfair and deceptive act, which is a violation of the Consumer Protection Act.

It is unlawful to transfer an ownership interest in a motor vehicle if: the dealer fails to pay the lender the balance due within two business days after the acquisition of the vehicle; the dealer does not obtain a certificate of ownership for vehicles in its possession unless the certificate is held by the person with a security interest in the dealer's inventory; and the dealer does not transfer the certificate of ownership after the transferee has taken possession of the vehicle.

It is unlawful to sublease a motor vehicle when: the vehicle lease contract or security agreement contains terms prohibiting transfers or assignments; the person is not a party to the lease contract or security agreement; the lease is transferred without the lessor's consent to a person who is not a party to the contract or agreement; and, the person receives compensation for the services provided.

Transfer of an ownership interest in a motor vehicle is unlawful pursuant to the auto dealer licensing law.

Votes on Final Passage:

Senate	46	0
House	96	0

Effective: June 7, 1990

SB 6172

C 137 L 90

By Senators Sellar, Sutherland, McCaslin and Barr

Revising provisions for environmental coordination procedures.

Senate Committee on Governmental Operations
House Committee on Environmental Affairs

Background: The Environmental Procedures Coordination Act was adopted in 1973 as one of the early "one–stop" procedures to streamline the environmental permit process. It was designed so that applicants for state and local permits could submit one master application to the Department of Ecology.

The department must circulate the application to all potential permit–granting agencies. If any agency fails to express an interest in requiring a permit within a specified period, it is barred from requiring one at a later date.

Few efforts have been made to use the coordination process. A number of economic development officials have reported that lack of coordination is one of the major obstacles to carrying out their programs.

Summary: After the department furnishes the list of required permits, an applicant may choose to pursue the coordinated process for all or part of permit

requirements, or may choose to deal with all of the permit-granting agencies independently.

Votes on Final Passage:

Senate	47	0	
House	95	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: June 7, 1990

SB 6180

C 54 L 90

By Senators West, Kreidler, Sellar, von Reichbauer, Johnson and Newhouse; by request of Washington Basic Health Plan

Providing confidentiality for certain basic health plan records and data.

Senate Committee on Health & Long-Term Care
House Committee on Health Care

Background: The Basic Health Plan (BHP) is a pilot project providing a package of basic health care services to persons with incomes below 200 percent of the federal poverty guideline. Premiums are charged on a sliding scale with those below 100 percent of the federal poverty level paying only nominal premiums and those at 200 percent paying virtually the entire cost of coverage.

The plan contracts with managed health care systems and then enrolls eligible persons with the systems. Negotiation of the contracts and review of their costs often require BHP staff to obtain records of individual medical treatment plans or actuarial formulas, statistics, or other proprietary information. Several managed health care systems have expressed reluctance to supply such information for fear that state public disclosure laws might be invoked by competing health care systems.

Summary: Records obtained, reviewed by, or on file with the BHP containing information on individual medical treatments are exempt from public inspection and copying. In addition, actuarial formulas, statistics, and assumptions submitted in support of a rate filing by a managed health care system, or submitted to the administrator upon his or her request, are exempt from public inspection and copying in order to preserve trade secrets or prevent unfair competition.

Votes on Final Passage:

Senate	49	0
House	95	0

Effective: June 7, 1990

SSB 6182

C 294 L 90

By Committee on Governmental Operations (originally sponsored by Senators McCaslin, Madsen and Conner)

Clarifying provisions relating to fire protection district service charges.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: Fire protection districts are authorized to impose service charges based on the benefit to personal property and improvements to real property which are located within the fire district. This authority was not used until the past two years when nine districts sought voter approval and six were successful. Other districts intend to seek approval in 1990. The experience of the districts which have obtained approval has revealed a variety of problems.

The districts believe that the term "service charge" confuses voters and creates the misimpression that charges will be made for individual responses to emergencies.

Problems with identifying and excluding property upon which charges may be based are:

(1) Under the current law, improvements and personal property which may not receive benefit from fire protection must still be included in determining the charge. For example, swimming pools, tennis courts and concrete piers are included.

(2) The current law provides that charges include farming equipment or property "ordinarily housed or stored in a building or structure." This provision creates considerable administrative difficulty in determining what a farmer keeps inside the barn and what is left outside.

(3) The current law excludes from charges all property "subject to RCW 52.30.020." This refers to property of public agencies located within a fire district. The agencies are directed to contract with the fire district for protection of their property. Some agencies have failed to enter such contracts and the current statute does not allow the fire district to make service charges against this property where no contract exists.

The times set for annual hearings and the fixing of charges do not correspond with existing county tax collection schedules. There is no provision for giving notice to owners of the amounts of the service charge prior to the time for appeal. There are no deductions or exemptions for senior citizens with limited income.

In order to impose such a service charge, the district must obtain approval of 60 percent of the voters. Voter

approval may be for up to six years. The ballot form must state that the district be "authorized to impose service charges each year for up to a six-year period." Confusion results when the district seeks approval for a time period of less than six years, but the ballot contains the above language.

Summary: The prescribed ballot form for approval of fire protection district service fees is amended to permit the ballot to reflect the intent of the fire protection district with respect to the duration of the service fee.

The term "service charge" is changed to "benefit charge" throughout the statute. Fire protection commissioners are granted the authority to determine that certain property is not receiving measurable benefit and may be excluded in calculating charges. Farming equipment, whether in the barn or out, is excluded from the definition of personal property. Property of public agencies situated in the fire district is excluded only when the agency has contracted for fire protection service or is otherwise making payments to the district. Reference to the county assessor is deleted when defining property assessed by both the assessor and the state Department of Revenue. The date is changed by which the district must contract with the county for collection services from the "effective date of a resolution imposing" charges to the date of imposition of the charges. The date by which hearings on the following year's charges must be held is changed from October 15 to November 15 and the date by which charges must be transmitted to the county for collection is changed from October 31 to November 30. Notice of charges is required to be sent to property owners and appeals hearings will be scheduled after such notice by a service charge review board established by the commissioners. This board must function for at least two weeks. A senior citizen exemption schedule is provided of 25, 50 and 75 percent of the charges based upon the three tiers of exemptions for property taxes.

Votes on Final Passage:

Senate	49	0	
House	97	0	(House amended)
Senate	43	0	(Senate concurred)

Effective: March 29, 1990

SB 6189

C 273 L 90

By Senator McCaslin

Eliminating boundary review boards.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: State law creates a boundary review board in every class AA (King) and A (Pierce, Spokane, and Snohomish) county, and permits a boundary review board to be created in all other counties. In these counties, boundary review boards may be created by either resolution of the county legislative authority or by a petition method (no boundary review boards have been formed by the petition method). A boundary review board has been created by resolution of the county legislative authority in each of the following counties: Benton, Chelan, Clark, Cowlitz, Douglas, Franklin, Grant, Kitsap, Pacific, Skagit, Skamania, Thurston, Walla Walla, Whatcom and Yakima.

Boundary review boards may review and approve, reject, or modify and approve the creation, dissolution, annexation, or consolidation of governmental units, defined to be cities, towns, and special purpose districts (sewer, water, fire protection, drainage and diking improvement, flood control zone, irrigation, metropolitan park, drainage, or public utility district engaged in water distribution).

The factors to be considered by a boundary review board and the objectives of a boundary review board are stated in statute.

Many representatives of local government feel that these boards are insensitive to the needs of local government and should not be second-guessing elected local officials or the desires of the citizenry.

Summary: Boundary review boards cannot disapprove the incorporation of a city with an estimated population of 7,500 or more, but the board may recommend against the incorporation.

If a proposed incorporation is of a city with a population of 7,500 or more, the board may not add or reduce territory that constitutes more than 10 percent of the total area.

Incorporation notices filed with a board after July 1, 1989 shall be considered under these new provisions.

Votes on Final Passage:

Senate	41	6
House	63	32

Effective: March 29, 1990

SSB 6190

PARTIAL VETO

C 270 L 90

By Committee on Health & Long-Term Care (originally sponsored by Senators West, Kreidler, Wojahn, Bailey, Nelson, McDonald, Warnke, Niemi, Conner and Stratton)

Providing for the prevention of head injuries.

Senate Committee on Health & Long-Term Care
House Committee on Health Care
House Committee on Appropriations

Background: The Department of Health reports that traumatic brain injury or head injury "... is a leading cause of premature death and lifelong disability in Washington State." There are almost 5,000 new head injury patients hospitalized annually in Washington. Almost half (45.4 percent) are under age 25. Seventy percent are 44 years of age or younger.

More than half of all head injuries (57 percent) are due to motor vehicle related accidents. Falls, assaults, and recreational accidents account for the remainder.

Medical care for a single case of head injury can range from $7,677 for initial hospitalization to $162,000 for long term rehabilitation. In fiscal year 1986, hospital care for head injury patients cost some $36 million with 42 percent of these costs coming from public programs. Head injury patients account for more than one third of the patients receiving $47,500 or more in medical care annually through the state Medicaid program.

A December 1989 Department of Health report indicates that effective measures exist to prevent head injury including stiffer penalties for drunk driving, seat belt use, mandatory use of helmets for motorcyclists, use of bicycle helmets, use of child seat belts and child car seats, education regarding pedestrian, bicycle and auto safety, and other means.

Summary: The act must be known and cited as the Head Injury Prevention Act of 1990. The terms "head injury" and "traumatic brain injury" are declared to have the same meaning within the act.

A head injury prevention program is created in the Department of Health. The program must identify and coordinate public education efforts now underway designed to prevent traumatic brain injury. If the department finds such programs are not available or not in use, it may, within funds appropriated, provide grants to promote such efforts.

The department may assess or contract for the assessment of the effectiveness of traumatic brain injury prevention education efforts initiated by any agency of state government. Evaluation funds may be sought from federal or private sources.

The Department of Health, the Department of Licensing, and the Traffic Safety Commission shall cooperate in developing education and testing tools to increase driver awareness in methods for avoiding accidents.

A statewide traumatic brain injury registry must be established to collect information on the incidence, severity, and causes of traumatic brain injury. Information from the registry is to be used in the design of future prevention and treatment programs. The Department of Health must report to the Legislature on the cost and feasibility of expanding the registry to include information on minor brain injury.

The Department of Health must prepare guidelines on relevant training and education materials regarding traumatic brain injury for public safety officials, law enforcement officials, health professionals and education professionals. The guidelines and recommendations for training and education requirements for health professionals or educators must be distributed to educational service districts and to all health professional regulatory authorities.

All emergency medical personnel must be trained in proper helmet removal.

It is unlawful for any person over the age of 18 years to operate or ride upon motorcycles or mopeds on a state highway, county road, or city street unless wearing a protective helmet approved by the State Patrol.

Persons operating motor-driven cycles, automobiles licensed as motorcycles or vehicles equipped with approved seat belts and roll bars are exempt from the requirement to wear helmets.

No motorcycle or moped may be rented unless the person renting it has an approved helmet in his or her possession.

Forty-nine thousand dollars is appropriated from the public health and safety account to the Department of Health for the purposes of the act.

Votes on Final Passage:

Senate	32	14	
House	65	32	(House amended)
Senate	32	13	(Senate concurred)

Effective: June 7, 1990

Partial Veto Summary: Requirements that the Department of Health establish a statewide head injury registry were eliminated. (See VETO MESSAGE)

SSB 6191

C 269 L 90

By Committee on Health & Long-Term Care (originally sponsored by Senators West, Kreidler, Johnson, Anderson, Gaspard, Niemi, McMullen, Murray, Wojahn, Conner, Patrick, Stratton and Smith)

Establishing the Washington state trauma care system.

Senate Committee on Health & Long-Term Care and Committee on Ways & Means
House Committee on Rules

Background: Trauma is the number one cause of death from age one to 44. Nearly 40 percent of trauma-related deaths occur within the first hour (the golden hour) following the injury. Experts believe that 30 to 40 percent of deaths occurring within the golden hour can be prevented if the injured patient has quick access to appropriate medical care. The presence of an effective and well-coordinated trauma care system has been shown to reduce trauma-related deaths and disability by decreasing the amount of time between the injury and definitive tertiary care. People in many areas of the state lack timely access to trauma care services due to the lack of a statewide trauma care system.

The Legislature created the Trauma Advisory Committee in 1988 to assess the current provision of trauma care in the state, identify the components needed for a statewide trauma care system, and design a statewide trauma care system that meets current needs including a plan for phased-in implementation. The Trauma Advisory Committee presented its report to the Legislature in January 1990. The report included detailed recommendations regarding the structure of a statewide trauma care system and standards for the system components and patient care.

Summary: The Washington State Trauma Care System is created. The Department of Health is designated as the state administering and oversight agency. The trauma care system is integrated with the existing emergency medical services system to form a unified statewide system of emergency medical services and trauma care. It will be implemented over a three-year period.

The state Trauma Care Steering Committee is renamed the Emergency Medical Services and Trauma Care Steering Committee. The committee will advise the department on emergency medical services and trauma care needs, review regional plans and recommend changes to the department, and review applicable proposed departmental rules. The members are appointed by the Governor.

The state Emergency Medical Services Committee is renamed the Emergency Medical Services Licensing and Certification Advisory Committee. The committee will review rules relating to the credentialing of emergency medical services personnel and will provide assistance to the department with regard to its credentialing responsibilities. The 11 members are appointed by the department.

The Department of Health, in consultation with the Emergency Medical Services and Trauma Care Steering Committee, is directed to establish statewide minimum standards for trauma care and emergency medical services and to develop patient care protocols and outcome measures for trauma services provided in health care facilities and by pre-hospital trauma care providers.

Statewide minimum standards will be established by the department for trauma care services, pediatric trauma care services, and trauma-related rehabilitative services. Standards will also be established for verification of pre-hospital providers, emergency medical communications, emergency medical services transportation, personnel training and quality assurance programs to monitor trauma and emergency medical services.

The Department of Health is directed to initially utilize standards adopted in the report of the Trauma Advisory Committee but may modify such standards if public health considerations, efficiencies in the delivery of trauma care or federal or other state laws warrant modifications.

The department is directed to establish emergency medical services and trauma care regions throughout the state. It will create a statewide trauma care registry, prepare a statewide emergency medical services and trauma care plan from approved regional plans, establish criteria for determining the number and type of designated trauma care services, coordinate and monitor the statewide emergency medical services and trauma care system, develop and coordinate trauma prevention programs and conduct a special study on trauma related charity care and monitor such charity care on an ongoing basis.

The department shall designate hospitals and other health care facilities to provide trauma services. Designations shall be based upon the need for services identified in the state emergency medical services and trauma care plan. Facilities applying for designation shall be inspected to assure compliance with standards.

Any pre–hospital provider may provide pre–hospital trauma care services upon application to the department if minimum statewide standards required for verification are met. The need for pre–hospital providers shall be established by the regional councils in the regional plans. The department may inspect pre–hospital trauma care providers to assure compliance with standards.

Regional and local emergency medical services and trauma care councils are created. The regional councils are directed to prepare and submit to the department regional emergency medical services and training plans which will include an assessment of equipment, personnel and facility needs in the region, the number and level of care of training facilities to be designated and pre–hospital training providers to be verified, and a regional budget and plan of implementation.

The existing state grant program for development and implementation of emergency medical services is expanded to include trauma system development and implementation and emergency medical services and trauma care system maintenance.

Votes on Final Passage:

Senate	49	0	
House	96	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: March 29, 1990

SB 6192

C 218 L 90

By Senators West, Stratton, McCaslin and Kreidler

Revising provisions for substitution of generic drugs.

Senate Committee on Health & Long–Term Care
House Committee on Health Care

Background: Pharmacists may substitute generic drugs for more expensive name brand prescriptions when the prescribing provider designates whether the substitution is permitted on a two–line prescription form. This requirement applies to both in–state and out–of–state prescriptions. A number of other states, including Oregon, permit generic substitution but do not require or use two–line prescription forms. Washington pharmacists who fill Oregon prescriptions therefore cannot legally substitute lower cost generic drugs. Although the Pharmacy Board has not received complaints about generic substitution by local pharmacies in border areas to date, upon complaint, it will enforce the law as to any regional–service mail–order pharmacies that may be established.

Summary: Pharmacists may substitute equivalent generic drugs for out–of–state prescriptions where the state of origin uses a one–line prescription form or its equivalent, unless the prescription indicates that substitutions are not permitted.

Votes on Final Passage:

Senate	40	0
House	97	0

Effective: March 27, 1990

SSB 6195

C 226 L 90

By Committee on Environment & Natural Resources (originally sponsored by Senators Kreidler and Moore)

Prohibiting the use of live animals to train hunting, tracking or fighting animals.

Senate Committee on Environment & Natural Resources
House Committee on Agriculture & Rural Development

Background: There have been several cases where kittens have been mutilated and killed by hunting hounds being trained to track. A case in Thurston County in the spring of 1989 ended in a conviction of one person. Wildlife enforcement agents and county sheriffs state that this is not an isolated occurrence.

Summary: The cruelty to animals statute is amended to provide that any person who uses domestic dogs or cats as bait, prey or targets for the purpose of training dogs or other animals to track, fight or hunt in any way which would torture, torment, starve or mutilate such animals shall be guilty of a misdemeanor. Any person who uses domestic dogs and cats in this way is guilty of a gross misdemeanor when the action results in the death of an animal. A person who captures a domestic dog or cat with a trap for the purpose of using the dog or cat as bait prey or targets for training dogs is guilty of a misdemeanor. This statute does not affect the use of animals for higher education or biomedical research. Law enforcement authorities enforcing these provisions may seize and hold the animals being trained. The courts shall determine the disposition of dogs that have been held.

Votes on Final Passage:

Senate	48	0	
House	97	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: June 7, 1990

SB 6200

C 4 L 90

By Senators Smitherman, Lee and Conner

Extending the final report date and expiration date of the task force on ports and local associate development organizations.

Senate Committee on Economic Development & Labor
House Committee on Trade & Economic Development

Background: The Legislature authorized the creation of a Federation of Washington Ports and the establishment of a temporary task force on cooperation among ports and local associate development organizations in 1989. The task force has been meeting regularly, but has found the deadline for recommendations and reports difficult to meet.

Summary: The Port Cooperation Task Force is required to submit a preliminary report by January 1, 1990, and a final report by January 1, 1991. The task force expires on March 1, 1991.

Votes on Final Passage:

Senate	49	0
House	95	0

Effective: June 7, 1990

SB 6201

C 55 L 90

By Senators Lee and Rasmussen; by request of Attorney General

Changing regulation of health studio services.

Senate Committee on Economic Development & Labor
House Committee on Commerce & Labor

Background: The Health Studio Services Act regulates the sale and operation of health studio services in the state. The act defines "health studio" generally to mean a facility "which purports to assist patrons to improve their physical condition or appearance through physical exercise, body building, weight loss, figure development or any similar activity." There has been some confusion about whether this language includes martial arts facilities.

In certain situations, buyers of health studio services are entitled to a pro rata refund of initiation or membership fees. The refund amount is computed by "dividing the contract price by the number of weeks in the contract term and multiplying the result by the number of weeks remaining in the contract term." In some cases, however, the contract term is not stated.

The act was intended to allow health studios to make one year contracts which were not cancellable by the buyer except in cases of death or disability. There is a potential in existing language for the law to be applied unequally in this regard depending on the payment structure used by any given studio.

Summary: Martial arts facilities are explicitly included in the definition of "health studio" and subject to regulation under the Health Studio Services Act.

For purposes of computing pro rata refunds, a term of 36 months will be used unless another term is stated in the contract.

Language is added clarifying the cancellation and refund provisions for contracts of one year or less, and requiring explicit warning to the buyer regarding fees which are not refundable.

Votes on Final Passage:

Senate	49	0
House	97	0

Effective: June 7, 1990

SB 6210

C 6 L 90

By Senators Saling, Kreidler and Johnson

Amending sunset provisions for radiologic technologists.

Senate Committee on Health & Long-Term Care
House Committee on Health Care

Background: The practice of radiological technology involves the use of ionizing radiation for diagnostic and therapeutic purposes. The Radiological Technology Practice Act was enacted in 1987 and a certification program was established. The certification act provides title protection whereby no person may represent himself or herself as a certified radiological technologist without holding a valid certificate from the Department of Health and meeting minimum educational and other requirements. The practice act terminates under the sunset law in June 1990 unless the Legislature repeals the sunset termination.

The Legislative Budget Committee (LBC) reviewed the need for certification and determined that the profession has not been regulated for long enough to evaluate whether any changes should be made in state regulation. LBC recommended the sunset termination date be extended.

Summary: The current sunset date for the Radiological Technology Practice Act is repealed and a new sunset date of 1995 is established.

Votes on Final Passage:

Senate	48	0
House	95	0

Effective: June 7, 1990

SB 6213

C 153 L 90

By Senators West and Rasmussen

Revising provisions for reimbursement to department of social and health services employees for costs related to assaults.

Senate Committee on Health & Long-Term Care
House Committee on Human Services
House Committee on Appropriations

Background: Institutional care employees of the Department of Social and Health Services (DSHS) and the Department of Veterans Affairs are eligible for reimbursement for expenses related to assaults received from residents, patients, or juvenile offenders. Reimbursement is considered salary or wages and should therefore be taxed at normal salary rates by the federal government. Reimbursement is permitted only when the employee has justified absences from work, the assault was not the fault of the employee, and workers' compensation has been approved. Reimbursement ensures that the assaulted employee will receive full pay for all workdays missed up to one year from the incident, either by providing the full pay or combining with workers' compensation coverage. However, with the growth of non-institutional treatment and programs, many non-institutional employees are subject to assault by residents, patients, or juvenile offenders but are not covered under the current law.

Summary: Reimbursement authorization is extended to all employees of DSHS and the Department of Veterans Affairs for assaults received from residents, patients, or juvenile offenders.

Votes on Final Passage:

Senate	42	0
House	97	0

Effective: June 7, 1990

2SSB 6216

C 29 L 90

By Committee on Ways & Means (originally sponsored by Senators Saling, Gaspard, Bauer, Patterson, Patrick, Conner and Rinehart; by request of State Board for Community College Education)

Creating the Washington community college exceptional faculty awards program.

Senate Committee on Higher Education and Committee on Ways & Means
House Committee on Higher Education
House Committee on Appropriations

Background: In 1985 the Legislature created the Washington distinguished professors' program to help four-year colleges and universities create endowments for distinguished scholars who occupy chairs within the institutions. The program allows institutions to apply for $250,000 from trust funds when they can match state funds with an equal amount of pledged or contributed private donations. Interest income from the endowments may be used to supplement the salary of the holder of the professorship, pay salaries of his or her assistants, and pay expenses associated with the holder's scholarly work. With the exception of two guaranteed but unpledged professorships, all available trust funds were reserved or released as of July, 1988. In 1987 the State Board for Community College Education first requested a program similar to the distinguished professors' program.

Summary: The Washington Community College Exceptional Faculty Awards Program is established to help community colleges create endowments for funding awards granted to exceptional faculty members. The program is administered by the State Board for Community College Education (SBCCE), which, in consultation with eligible community colleges, sets priorities and evaluates requests for matching funds.

All community colleges shall be eligible for matching trust funds and may apply to the State Board for Community College Education for grants when they can match the state funds with equal cash donations from private sources. All moneys deposited in the fund shall be invested by the State Treasurer. A community college shall not receive more than four faculty grants in $25,000 increments, with a maximum total of

$100,000 per campus in any biennium. There is a three-year time limit for each college to raise the matching funds; if a college cannot raise the matching private funds, the funds will be disbursed through SBCCE guidelines to other eligible colleges.

The awards shall be used to pay the expenses for faculty development activities associated with the holder's program area. More than one faculty member may share an award. Once a college has matched the state funds, the college faculty and administration may establish a process in which several faculty awards may be funded from the endowment money released to the college by the State Treasurer.

The community colleges are required to have in hand the cash donations prior to requesting a state match from the endowment funds. For the first year of the program, each community college is limited to one $25,000 matching grant. Award money may not be used to pay salaries for assistants of faculty award holders. The process for determining local awards, but not the actual dollar awards, shall be subject to collective bargaining.

Votes on Final Passage:

Senate	48	0
House	97	0

Effective: June 7, 1990

SSB 6221

C 101 L 90

By Committee on Education (originally sponsored by Senators Gaspard, Bailey, Rinehart, Bender, Metcalf, Lee, Murray and Conner; by request of Superintendent of Public Instruction)

Creating the high school and beyond assessment program.

Senate Committee on Education and Committee on Ways & Means
House Committee on Education

Background: The Superintendent of Public Instruction (SPI) annually administers an academic achievement test to all fourth, eighth and tenth graders in Washington public schools. Once every two years, SPI administers an academic achievement test to a sample of 2,000 eleventh graders. As part of the testing program, eighth and tenth graders also complete a questionnaire about academic interests and future plans. The SPI proposes changes to the state testing program to provide enhanced information to students, parents, educators and education policy makers.

Summary: The requirement that all tenth graders and samples of eleventh graders be tested on academic achievement is repealed and the Washington State High School and Beyond Assessment Program is established.

The SPI administers an annual assessment to all eleventh grade students. The eleventh grade assessment reflects high school curricula and the reasoning and thinking skills essential to adult life. The achievement measures assess students' strengths and deficiencies in broad content areas. Information is also collected about students' career interests and related items such as course selection patterns, course credits, and grades.

The scope of the eighth grade test is broadened to provide information about students' current academic proficiencies, reasoning and thinking skills needed for successful entry into courses required for high school graduation, and interests and plans for high school and beyond.

The content and procedures of the eighth grade and eleventh grade assessments are coordinated to maximize the value of the information provided to students, teachers, and parents.

The SPI reports annually to the Legislature on the achievement levels of students in grades four, eight and eleven.

The program will be implemented in the 1991-92 school year.

Votes on Final Passage:

Senate	38	8	
House	79	15	(House amended)
Senate	37	9	(Senate concurred)

Effective: June 7, 1990

SB 6224

C 103 L 90

By Senators Bailey, Bender, Lee, Gaspard, Murray, Talmadge and Craswell; by request of Superintendent of Public Instruction

Allowing the SPI to withhold basic education moneys from school districts owing repayment of moneys to the federal government.

Senate Committee on Education
House Committee on Education

Background: Most federal dollars received in this state for education are received by the Superintendent of Public Instruction and distributed to school districts according to the terms of the federal grant. If a school district does not spend the federal dollars according to

the terms of the grant, the state could be held responsible for repaying the federal government. The state does not have the statutory authority to force the school district to reimburse the state in such cases.

Summary: Each school district receiving federal funds through the Superintendent of Public Instruction must comply with federal requirements. The school district shall repay expenditures disallowed by the federal government and any interest assessed.

The Superintendent of Public Instruction may withhold basic education allocation amounts to facilitate payment of principal and interest to the federal government. The withheld dollars may be: 1) prepaid to the federal government; or 2) repaid to the school district when the school district pays the federal government or the school district makes a commitment to an acceptable repayment plan.

The Superintendent of Public Instruction may withhold basic education dollars only if the district's ability to provide the basic education program offerings will not be impaired.

Votes on Final Passage:

Senate	41	2
House	96	1

Effective: June 7, 1990

SB 6253

FULL VETO

By Senators Patterson, McCaslin, Matson, Hayner, Amondson, Rasmussen and Barr

Providing a method to evaluate whether a "taking" has occurred.

Senate Committee on Governmental Operations
House Committee on Judiciary

Background: The state of Washington has no process for state agencies to assess the impact of their actions on private property rights, to eliminate inadvertent "takings" or interferences with property rights for which the government is required to pay compensation. The need for an assessment process is heightened by recent U.S. Supreme Court decisions broadening the definition of compensable takings.

Summary: The Attorney General must develop a checklist and guidelines for evaluating risk and avoiding unanticipated takings by July 1, 1990 and update both at least annually.

Commencing October 1, 1990, each state agency shall designate a person who is responsible for ensuring compliance with the guidelines and reviewing each agency policy to determine the need to prepare a taking implications assessment which will include: the risk of a taking, alternatives that would reduce that risk, an estimate of the compensation that would be required by any taking, and a source of payment within the agency's budget.

A private party is denied the right to seek judicial relief requiring compliance with the provisions of this act.

Votes on Final Passage:

Senate	47	0	
House	92	5	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate			(Senate refused to concur)
Senate	45	0	(Senate concurred)

FULL VETO: (See VETO MESSAGE)

SSB 6255

C 236 L 90

By Committee on Law & Justice (originally sponsored by Senators Nelson, Talmadge, Bailey, Anderson, Hayner, Johnson, Sutherland, McCaslin, Warnke and Patrick)

Increasing penalties for assaulting transit and school bus drivers.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: The crime of assault is divided into four degrees. First and second degree assault are class A and B felonies, respectively, and generally involve the infliction of serious bodily harm, or the use of a weapon. Third degree assault is a class C felony. Any assault that does not amount to a first, second, or third degree assault, is classified as fourth degree assault, which is a gross misdemeanor.

The identity of the victim in third degree assault cases may determine whether the assault is a class C felony or a gross misdemeanor. An assault on a law enforcement officer, a fire fighter or a public or private transit operator becomes a class C felony if the law enforcement officer or fire fighter is performing official duties, and the transit operator is operating or in control of a transit vehicle.

Summary: The provision in the assault statute that makes assault of a transit operator a class C felony is altered in two ways. First, the provision is expanded to cover public school district school bus drivers. Second,

a requirement is added that the bus be occupied by one or more passengers.

Votes on Final Passage:

Senate	46	0	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate	46	0	(Senate concurred)

Effective: June 7, 1990

2SSB 6259

PARTIAL VETO

C 3 L 90

By Committee on Ways & Means (originally sponsored by Senators Nelson, Talmadge, Patrick, Wojahn, Thorsness, Vognild, Bender, Warnke, Bauer, von Reichbauer, Gaspard, Madsen, Murray, Sutherland, Rasmussen, Fleming, Hansen, Conner and Kreidler; by request of Governor)

Changing provisions relating to criminal offenders.

Senate Committee on Law & Justice and Committee on Ways & Means
House Committee on Rules

Background: The Governor's Task Force on Community Protection was created following a brutal sexual assault upon a young child and the murder of a young woman in Seattle. The task force submitted to the Governor numerous proposals for statutory changes and funding programs for sex offenders and their victims. The proposals impact the criminal justice system for adults and juveniles and the civil and criminal commitment system dealing with insane and incompetent offenders.

Summary: Victim, Witness, and Police Notification Programs. The victim, witness, and police notification programs that currently exist for adult violent and sex offenders is used as a model to create new notification programs involving offenders in the custody of the Department of Social and Health Services (DSHS). The department must notify victims and witnesses of the release of sex and violent offenders who have been found not guilty by reason of insanity or incompetence to stand trial. Victims and witnesses must request notice of the release of such offenders, but the police do not have to request such notice.

For offenders convicted of a sex offense between June 30, 1984 and July 1, 1988, the Department of Corrections is to give written notification to the prosecuting attorney of the county where the person was convicted three months prior to release of such an offender. The department is to provide: (1) the person's name, offense history, and anticipated future residence; (2) a narrative describing the person's conduct during confinement and any treatment received; and (3) information indicating whether the department recommends filing a civil commitment petition. Authorization is also provided for the release of booking photos.

Immunity for Release of Information. Public agencies are expressly authorized to publicly release relevant information regarding sex offenders when the release is necessary for public protection. This provision will end July 1, 1991.

Public employees and agencies are immune from civil liability for a discretionary decision to release information regarding juvenile sex offenders and adult sex offenders committed to DSHS who are incompetent to stand trial or are insane. Immunity applies if the employee acts without gross negligence and believes that the release is necessary to protect the public. Any person who disseminates such information at the request of any public official, public employee, or public agency is immune from civil liability for damages.

Earned Early Release ("Good Time"). The maximum amount of earned early release a class A felony sex offender or a serious violent offender may earn is reduced from one-third to 15 percent of the sentence. The correctional agency may not credit the offender in advance of the offender earning good time. Counties may award good time to offenders in their custody.

Juvenile Justice Amendments. Juveniles convicted of sex offenses may be supervised for a period of up to two years. If a juvenile violates a condition of supervision, the juvenile may be returned to custody for up to the remainder of the time left on the sentence rather than the previous limit of 30 days.

A special sexual offender dispositional alternative is created for juvenile offenders. Juveniles convicted of certain sex offenses who have no prior history of sex offenses may be given a special dispositional alternative that includes a suspended sentence, supervision for two years, up to 30 days in custody, and treatment. A juvenile sex offender must obtain court approval for a change of sex offender treatment providers if the prosecutor and probation counselor object to the change. The treating therapist must be certified by the Department of Health as of July 1, 1991.

The age requirement for mandatory decline hearings, declining juvenile court jurisdiction, and transferring to adult court is lowered from age 16 to 15 for juveniles charged with a class A felony or with solicitation or conspiracy to commit a class A felony.

Registration of Sex Offenders. Adults or juveniles convicted of any sex offense must register with the county sheriff within 30 days of release from custody or within 45 days of establishing residence. If the offender moves into a new county, the offender must register in the new county. The sheriff must obtain fingerprints and a photograph of the offender. Failure to register is a class C felony if the person was convicted of a class A felony sex offense; otherwise, the failure is a gross misdemeanor.

Registration applies to persons who commit sex offenses after the effective date of this provision. These provisions apply retroactively if the offender is currently under the custody or supervision of the Department of Corrections or the Department of Social and Health Services.

The Washington State Patrol is to maintain a central registry of sex offenders. The State Patrol is required to reimburse the counties for the costs of processing sex offender registrations including taking the fingerprints and photographs. The court and the Department of Corrections are to provide defendants and inmates with notice of the duty to register. Individuals in charge of local jails are required to notify sex offenders in their custody of the registration requirements.

Persons convicted of a class C felony sex offense must be registered for a period of 10 years and persons convicted of a class B felony sex offense must be registered for 15 years. Unless a court relieves a person convicted of a class A felony offense, the person must always be registered. The 10 and 15 year periods run only if the offenders remain in the community without convictions for any new offenses within the time period.

The Department of Licensing is required to provide applicants for drivers' licenses with written information on sex offender registration requirements.

Victims' Compensation Fund. The eligibility requirement that victims report the crime to the police within 72 hours of its occurrence is extended to 12 months. In the case of victims of childhood criminal acts, the crime victims' compensation rights are deemed to accrue at the time the victim discovers or reasonably should have discovered the elements of the crime.

The $150,000 cap on medical benefits applies per injury or death rather than per victim. Payments for medical services in excess of the cap are to be made available if necessary for a previously accepted condition, to protect the life of the victim, or to prevent deterioration, when the payments are not available from another source.

Three different statutory limits on crime victims' compensation awards are increased. The limit on recovery for a single injury or death is increased from $15,000 to $30,000. For total permanent disability or death, the limit is increased from $20,000 to $40,000, and for total temporary disability, the limit is raised from $5,000 to $15,000.

Sexual Motivation in Criminal Cases. The prosecutor must file a special allegation of sexual motivation in any case when sufficient evidence exists to justify a finding that the offense was sexually motivated. "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purposes of sexual gratification. The trier of fact shall make a finding whether the act was sexually motivated. The finding of sexual motivation may be an aggravating factor for an exceptional sentence, and will trigger the same consequences as any other sex offense, such as higher offender points for subsequent sex offenses, civil commitment, and eligibility or ineligibility for SSOSA or SSODA. The finding will also apply to juveniles. Examples include assault with intent to commit rape, and burglary with intent to commit rape. The state must prove beyond a reasonable doubt that the offense was committed with sexual motivation.

Criminal Sentencing. The classifications for certain sex offenses are upgraded and thus increase the statutory maximum for the particular offense. Second degree rape, rape of a child in the second degree, and first degree child molestation are raised from class B to class A felonies. Indecent exposure is raised to a class C felony from a gross misdemeanor if the exposure is to a child under age 14 and if the offender has a previous conviction for exposure or a sex offense.

The mandatory term of confinement for first degree rape is increased from three to five years. The maximum time that first-time sex offenders may be required to undergo available outpatient treatment is increased from two to five years.

The sentencing grid is modified to create 15 seriousness levels rather than 14. Revised seriousness level XI has a new midpoint of 7.5 years for a first-time offender and the new seriousness level XII has a midpoint of nine years for first-time offenders. First degree assault is raised to seriousness level XII to remain in proportion with the increases in the first degree rape of a child and first degree rape.

In determining a sex offender's score, other current sex offenses and prior adult and juvenile sex offenses will count three points. If an adult sex offender has prior convictions for violent juvenile offenses with separate victims, the adjudications no longer merge but count separately in the offender score. All prior sex offenses are included in the scoring of adult sex offenders.

Offenders must serve consecutive sentences when convicted of two or more current serious violent offenses.

When considering whether to impose a sentence under the Special Sexual Offender Sentencing Alternative (SSOSA), the court must consider the victim's opinion regarding whether the offender should receive the treatment disposition. The group of offenders who are eligible for SSOSA is expanded to include offenders convicted of sexually motivated offenses, unless the offenses are sex offenses that are also serious violent offenses. The group of ineligible offenders is also expanded to include sex offenders who have a prior conviction for a sexually motivated offense. Imposition of SSOSA for first-time offenders is discretionary for offenders with sentences of up to eight years instead of six because of the increase in standard ranges. Supervision is increased from up to two years to up to three years, or the length of the suspended sentence, whichever is longer. The offender must not change treatment providers without first notifying the court, community corrections officer, and the prosecutor, and must obtain court approval if the prosecutor and the community corrections officer object.

A "treatment termination" hearing is established to review the offender's progress in treatment three months before treatment will end to determine whether conditions of supervision should be modified, and either terminate treatment or extend treatment for up to the remaining period of supervision. Non-indigent defendants must pay for the costs of additional evaluations. Sex offender therapists who examine and treat sex offenders under this sentencing alternative must be certified by the Department of Health by July 1, 1991. The therapists are subject to the Uniform Disciplinary Act.

The Department of Corrections must supervise serious violent and sex offenders for two years or up to the length of the offender's earned early release, whichever is longer. The department and the Indeterminate Sentence Review Board must give the greatest weight to public safety when making discretionary decisions regarding release and supervision of sexually violent prisoners.

Civil Commitment. A new civil commitment procedure is created for "sexually violent predators." An offender may be committed under these provisions if: (1) the sentence for a sexually violent offense has ended or is about to end; or (2) the person is charged with a sexually violent offense and is found not guilty by reason of insanity, or is incompetent to stand trial and is about to be released; and (3) it appears that the person may be a sexually violent predator.

The prosecutor may file a petition for civil commitment. The judge must review the petition and determine whether probable cause exists to believe that the person is a sexually violent predator. If so, the person is taken into custody and transferred to an appropriate facility for an evaluation.

Within 45 days after the filing of the petition, the court is required to conduct a trial to determine whether the person is a sexually violent predator. The person, prosecuting attorney or Attorney General, or judge may demand a jury trial. If the court or jury determines beyond a reasonable doubt that the person is a sexually violent predator, then the person is committed to DSHS but cannot be confined in a facility located on the grounds of any state mental facility or regional habilitation center due to the lack of necessary security. If the person has previously been found incompetent to stand trial and is about to be or has been released, the court must first determine beyond a reasonable doubt whether the person did commit the act or acts charged.

A person committed to DSHS under these provisions is entitled to an examination of his or her mental condition at least once a year. If the Secretary of DSHS determines that the person's disorder is changed to the extent that the person is not likely to commit sexually violent predatory acts, then the secretary must authorize the person to petition the court for release. If the prosecutor opposes the DSHS-authorized petition, he or she must show beyond a reasonable doubt that the person is not safe to be at large and is likely to commit predatory acts of sexual violence.

The Secretary of DSHS is required to provide annual notice of the person's right to petition for release. The notice must contain a waiver of the right to petition. If the person does not affirmatively waive the right, then the court is required to set a show cause hearing on the issue. The person does not have a right to be present but does have the right to an attorney. If the court determines that probable cause exists and believes that the person should be released, the court will set a hearing on the matter. The committed person is entitled to all the constitutional protections

afforded at a trial. The state bears the burden of proving beyond a reasonable doubt that the committed person should not be released.

The care and treatment of civilly committed sexually violent predators are required to conform to constitutional standards. This commitment procedure also applies to juveniles.

Grant Programs and Victims' Advocacy. A grant program is established in the Department of Community Development to enhance the funding for treating the victims of sex offenders. Applicants are required to provide evidence demonstrating the effectiveness of the proposal and how the funding criteria will be met. Applicants are also required to demonstrate active participation of the local community and its commitment to providing effective treatment services for victims.

The minimum requirements for the content of the grant application are outlined and the awards are to be made on a competitive basis. To assist the department in awarding the grants, a peer review committee is established comprised of the executive administrator for the Crime Victims' Advocacy Office and individuals experienced in the treatment of victims of predatory violent sex offenders.

A Crime Victims' Advocacy Office is established in the Office of the Governor to provide advocacy services to crime victims. The Crime Victims' Advocacy Office is to ask communities for suggestions on state practices, policies and priorities that would help communities treat victims. Recommendations are to be forwarded to the Legislature and Governor.

Background Checks. The list of prospective employees subject to background checks is expanded to cover certificated employees of school districts and any current school district employee who has applied for transfer. A new crime of felony indecent exposure is added to the list of crimes covered by background checks. Express imposition of liability is removed from business organizations which violate the requirement that the background checks are only to be used to make initial employment decisions. School district employees who transfer from one school district to another may be subjected to another background check.

Joint CPS/Law Enforcement Pilot Project. A pilot project is established in Spokane and King Counties for the joint investigation of child abuse and sexual assault cases by personnel from law enforcement and Child Protective Services.

Treatment for Abusive Person Removed from Home. A new program is established to provide that whenever a person acting in a parental role has physically or sexually abused a child and has been removed from the home pursuant to a court order under Chapter 13.34 RCW, a person is required to complete a treatment and education program as a condition of returning to the home where the child resides. DSHS is required to advise the court as to the appropriate treatment and education requirements for the program, and is to provide referrals and monitor the individual's progress and to provide the court with information and recommendations. The person is to pay for the treatment on the basis of his or her financial ability.

Identification and Treatment of Sexually Abused Children. The Department of Social and Health Services is required to provide comprehensive sexual assault services to sexually abused children, depending on available funds. Services are to be provided by community organizations and private service providers.

DSHS is required to establish a system of early identification and referral to treatment for child victims of sexual assault or sexual abuse.

Votes on Final Passage:

Senate	48	0	
House	96	0	(House amended)
Senate			(Senate refused to concur)
Free Conference Committee			
House	94	0	
Senate	45	0	

Effective: June 7, 1990 (with exceptions)

Partial Veto Summary: The provision establishing the Crime Victims' Advocacy Office in the Governor's Office is vetoed. (See VETO MESSAGE)

SB 6267

C 13 L 90

By Senators Moore, Nelson, Wojahn, Amondson, Johnson, Smith, Matson, Bauer and Niemi

Changing provisions regulating occupational therapy.

Senate Committee on Health & Long-Term Care
House Committee on Health Care

Background: The practice of occupational therapy is defined as scientifically designed activity with individuals who are limited by physical injury or illness, psychosocial dysfunction, disability, or the aging process, in order to maximize independence, prevent disability, and maintain health. The focus for occupational therapy services is to teach these individuals daily living

skills, work activities, vocational activities, and play and leisure activities.

The state currently licenses occupational therapists under the Occupational Therapy Practice Act and the profession is governed by the Occupational Therapy Practice Board. The practice act terminates under the sunset law in June 1990, unless the Legislature repeals the sunset termination. The Legislative Budget Committee reviewed the need for licensure of the profession and voted to continue licensure. It recommended that the standing health care committees in the Legislature study the need for mandatory continuing education. Current statutes provide permissive language allowing the board to establish requirements for continuing competency as a prerequisite for licensure renewal.

Summary: The sunset termination date is repealed. The Occupational Therapy Board is directed to establish requirements for license renewal which provide evidence of continued competency.

Votes on Final Passage:

Senate	44	0
House	96	0

Effective: June 7, 1990

SSB 6289

C 37 L 90

By Committee on Agriculture (originally sponsored by Senator Barr; by request of Department of Agriculture)

Providing the director of agriculture with organizational flexibility.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: The Department of Agriculture Enabling Act limits to six the number of assistant directors the Director of Agriculture can appoint. State civil service law allows exemptions for only six assistant directors as well. The director has reorganized the department to create eight assistant directors and the LEAP Committee has reviewed this new organizational structure.

Summary: The restriction of six assistant directors in the Department of Agriculture Enabling Act is raised to eight. State civil service law is modified allowing exemptions for up to eight assistant directors.

Votes on Final Passage:

Senate	46	0
House	97	0

Effective: June 7, 1990

SSB 6290

C 89 L 90

By Committee on Energy & Utilities (originally sponsored by Senators Benitz, Stratton, Williams, Nelson, Bluechel, Metcalf and Owen)

Revising provisions for telecommunications devices for the hearing impaired and speech impaired and repealing the expiration date.

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities
House Committee on Appropriations

Background: In 1987 the Legislature created the Telecommunications Devices for the Deaf (TDD) program. That program, housed within the Office of Deaf Services at the Department of Social and Health Services (DSHS), provides TDD's and other devices for telecommunications services to those persons of school age or older that are certified as hearing impaired. The legislation also created a TDD Advisory Committee that was directed to study the feasibility of implementing a cost–effective statewide relay service that would allow telecommunications between the hearing impaired and hearing persons. The Office of Deaf Services was directed to implement a statewide relay service pursuant to the advisory committee's recommendations. The relay service began operation in November 1989. The program is funded by an excise tax on each local switched access phone line, not to exceed 10 cents per line, as determined by the Utilities and Transportation Commission (UTC). Authorization for these programs expires June 30, 1990.

Pending federal legislation would require all states to implement statewide relay service systems that would meet specified minimum requirements. This legislation may contain a funding provision different from the one established by the Legislature for this state in 1987.

Summary: Persons certified as speech–impaired are eligible to receive TDD and related devices. The TDD Advisory Committee's size is limited to no more than 13 members, and guidelines are provided for appointments to it. The department is required to submit an annual budget for operational and capital costs to the UTC no later than March 1 each year. The UTC is to determine the amount of TDD excise tax for each

local line and notify local exchange companies no later than May 15 of the amount, which is to be imposed by the local exchange companies as of July 1. The Office of Deaf Services is to establish and implement a policy for the return and ultimate ownership of TDD and other devices that are no longer being used.

The department is required to submit a biennial report on the operation of the program to the Legislature, with the first one due no later than December 1, 1990. Each report must address income and expenditures, major policy or operational issues, and prioritization of services within limited revenues. The first such report must contain additional detail on the operation and financing of the relay system.

The UTC and the department are responsible for insuring that the program complies with federal requirements and for informing the Legislature of any state legislation that may be necessary to comply.

The June 30, 1990 expiration date for the program is repealed.

Votes on Final Passage:

Senate	47	0	
House	97	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: March 19, 1990

SB 6292

PARTIAL VETO

C 300 L 90

By Senators Hansen and Rasmussen

Making owners of mosquito infested land responsible for their control.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: Mosquitos can carry diseases which cause sickness or death in humans, such as encephalitis. Heavy populations also hamper people's enjoyment of the outdoors, particularly during evening hours. Programs to monitor and suppress mosquito populations are conducted by mosquito control districts and in some cases by local health departments.

Mosquito control districts may be formed at the county level. The district may comprise all or a part of a county. Activities of the district are paid through a property tax levied on the lands benefited. The board of the mosquito control district is appointed by the county commissioners and participating cities.

In some jurisdictions, lands from which mosquitoes originate are under the management of the Department of Wildlife and other public agencies. The agencies' increasingly rigorous requirements for spraying the breeding grounds of mosquitoes have forced the costs to escalate. Some states require state agencies having lands infested by mosquitos to abate the nuisance or to reimburse the district for the costs to abate the nuisance.

Allowing the Mosquito Control Board to require persons or entities with management control over the mosquito breeding areas to be responsible for the control of the pests which originate from their land may provide some relief.

Summary: An owner of land includes the person in actual possession or the person who has management control over the property.

A mosquito control district is authorized to adopt by resolution a policy declaring that the control of mosquitoes within the district is the responsibility of the owner of the land where the pest originates. The Mosquito Control Board may, following a public hearing, adopt a regulation that requires landowners within the district to perform certain actions to control mosquitoes.

If landowners do not take sufficient action to comply with the regulation, the board shall notify the owner that a violation exists and order the owner to take action within a reasonable period of time. If the board deems that the public nuisance, or threat to public health, is sufficiently severe, the board may require control actions to be taken within 48 hours of the receipt of the notification by the owner.

If the owner does not take action required by the board to control mosquitoes, the board may proceed to control mosquitoes and to collect expenses from the owner of the land. The district may file a lien on the property to recover expenses incurred, including attorney fees, and may by other lawful means collect expenses in substitution for the enforcement of the lien.

Votes on Final Passage:

Senate	40	6
House	92	5

Effective: March 30, 1990

Partial Veto Summary: State agencies and private persons that have management control over lands from which mosquitoes originate could not be required to control mosquitoes originating from their land. (See VETO MESSAGE)

SB 6303

C 241 L 90

By Senators von Reichbauer, Bender, Thorsness, Murray and Talmadge

Enhancing pedestrian safety.

Senate Committee on Transportation
House Committee on Transportation

Background: Each year in the United States approximately 8000 pedestrians are killed on our streets and highways. At greatest risk are children and the elderly. For five to nine year olds, pedestrian injuries are the most common cause of death from trauma. More than 50,000 children and adolescents are injured as pedestrians, many sustaining serious head injuries which can lead to permanent disability. Costs to the family and society for treatment and rehabilitation are very high.

Statutes relating to pedestrian and traffic control signals have not been updated since 1975. Language addressing pedestrians in crosswalks has not been updated in 25 years.

School transportation may be hazardous when students enter or alight from buses, especially when they must cross the road. Every year children, particularly young children who do not possess the developmental skills necessary to negotiate traffic successfully, are hit while crossing the street, often after disembarking from the school bus.

Currently, school buses in Washington are permitted to either stop in the travel lane and display stop signs and warning lights or simply pull off to the side of the roadway and display no lights. The ambiguity of this law has encouraged many motorists to disregard stopped school buses. The absence of flashing lights when the bus is unloading off the roadway has resulted in several fatalities of children who unexpectedly crossed the road.

Summary: The definition of pedestrian is expanded to include wheelchairs or any means of conveyance propelled by human power other than a bicycle.

All references to vehicles "yielding the right of way" to other vehicles and pedestrians when approaching traffic control devices are changed to state that the operator of a vehicle shall stop to allow the pedestrians or other vehicles lawfully moving within the intersection to complete their movements.

Pedestrians that begin to cross a roadway while facing a control signal exhibiting the word "Walk" or the walking person symbol shall be granted the right to complete their crossing by all vehicle operators. If pedestrians have begun to cross before the display of either signal, vehicle operators shall stop to allow them to complete their movements.

The driver of an approaching vehicle shall stop to allow a pedestrian to cross in a marked or unmarked crosswalk when the pedestrian is on the half of the road on which the vehicle is traveling, or when the pedestrian is on the opposite half of the road and moving toward the approaching vehicle.

When a curb ramp for the disabled is located adjacent to or at an intersection or marked crosswalk, disabled persons may enter the roadway from the curb ramps and cross the roadway within or as close as practicable to the crosswalk. Where sidewalks are provided but wheelchair access is not available, the person in a wheelchair may move along the adjacent roadway until reaching a sidewalk access point.

A driver on a divided highway need not stop upon meeting a school bus approaching from the opposite direction when the bus is stopped to receive or discharge school children. A driver on a highway with three or more marked traffic lanes need not stop when meeting a school bus proceeding in the opposite direction when the bus is stopped to receive or discharge school children.

The driver of a school bus shall be required to start the stop signal and flashing red lights on the front and back of the bus only when the bus is stopped on the roadway to receive or discharge school children. The driver of a school bus may stop completely off the roadway to receive or discharge school children only when the children do not have to cross the roadway, at which time hazard warning lights must be displayed.

Private carrier buses shall comply with all school bus safety laws required of public school district buses.

Both school district buses and private carrier buses shall be equipped with plainly visible signs above the windows containing the words "school bus" or "private carrier bus" in letters no less than eight inches in height.

On divided highways and highways with three or more marked traffic lanes, both public school district and private bus routes shall serve each side of the highway so that students do not have to cross the highway, unless there is a traffic control signal or an adult crossing guard within 300 feet of the bus stop to assist students who must cross multiple-lane highways.

Votes on Final Passage:

Senate	39	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
Free Conference Committee			
House	97	0	
Senate	41	0	

Effective: June 7, 1990

SB 6304

C 162 L 90

By Senators Saling, Bauer, McDonald, Stratton, Bailey, von Reichbauer, Lee, Johnson, McCaslin, Benitz, Thorsness and Amondson

Requiring that sick leave records be kept for teaching and research faculty at state and regional universities.

Senate Committee on Higher Education
House Committee on Higher Education

Background: The state research and regional universities and The Evergreen State College are not required to maintain sick leave records for faculty. According to the Legislative Budget Committee's report, only Washington State University maintains accurate faculty sick leave records.

The Legislative Budget Committee report recommends that the Legislature should require state-funded institutions of higher education to maintain complete, accurate sick leave records for all faculty members.

Summary: The state and regional universities and The Evergreen State College are required to maintain complete and accurate sick leave records for faculty.

Votes on Final Passage:

Senate	39	0	
House	96	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: June 7, 1990

SSB 6305

C 154 L 90

By Committee on Higher Education (originally sponsored by Senators Saling, Vognild, Bauer, Stratton, Smitherman, Warnke, von Reichbauer and Moore)

Changing exemptions for tuition and services and activities fees.

Senate Committee on Higher Education
House Committee on Higher Education
House Committee on Appropriation

Background: The Washington State institutions of higher education have been given the authority to grant waivers of tuition fees and services and activities fees to certain persons including veterans and children of law enforcement officers or fire fighters who were killed or totally disabled in the line of duty.

Summary: The eligibility criteria for the tuition fees and services and activities fees waiver for children of fire fighters or law enforcement officers no longer includes an age requirement. The eligible person no longer must be over the age of 19.

The waiver of tuition fees and services and activities fees for children of fire fighters or law enforcement officers who have been totally disabled or killed in the line of duty may be granted only if they begin their course of study within ten years of their graduation from high school.

Votes on Final Passage:

Senate	46	1
House	97	0

Effective: June 7, 1990

SSB 6306

PARTIAL VETO

C 268 L 90

By Committee on Higher Education (originally sponsored by Senators Saling, McDonald, Stratton, Bailey, McCaslin, Benitz, Thorsness, Barr and Amondson)

Revising provisions for tenure at community colleges.

Senate Committee on Higher Education
House Committee on Higher Education

Background: The state community college tenure statute provides a system for granting tenure to faculty members. This system allows for the granting of tenure to a faculty member following the successful completion of a three-year probationary period. Recently, many efforts have been made by the Legislature, the Higher Education Coordinating Board, and the colleges to improve the quality of instruction received by students at our state higher education institutions. In conjunction with these efforts, it is argued that the process for the award of faculty tenure at community colleges should be strengthened to allow for more flexibility and for a more thorough review of the performance of faculty appointees.

Summary: The length of time which a community college faculty member may be reviewed by his or her peers for the granting of tenure is changed from three consecutive years to nine college consecutive quarters, excluding summer quarter and approved leaves of absence. After recommendation of the tenure review committee and with the consent of the faculty member

and the appointing authority, this period of time may be extended up to three additional college quarters.

Nothing in this act is to be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement.

The State Board for Community College Education is directed to study and report to the 1991 Legislature on salaries for full and part-time faculty and administrators at community colleges. The study will be done in consultation with appropriate faculty organizations, labor representatives, and local community college governing boards and administrations.

The changes in tenure provisions apply only to faculty appointments made by community colleges after June 30, 1990.

Votes on Final Passage:

Senate	26	22	
House	96	0	(House amended)
Senate			(Senate refused to concur)
Free Conference Committee			
House	97	0	
Senate	27	17	

Effective: June 7, 1990

Partial Veto Summary: The entire bill, with the exception of the community college salary study, is vetoed. (See VETO MESSAGE)

2SSB 6310

C 58 L 90

By Committee on Ways & Means (originally sponsored by Senators Metcalf, Owen, DeJarnatt, McMullen, Smith, Amondson, Anderson, Warnke, Thorsness, von Reichbauer and Rasmussen; by request of Department of Fisheries)

Providing a funding mechanism for regional fisheries enhancement groups.

Senate Committee on Environment & Natural Resources and Committee on Ways & Means
House Committee on Fisheries & Wildlife
House Committee on Appropriations

Background: Regional fisheries enhancement groups were authorized during the 1989 legislative session. A majority of the legislation was vetoed by the Governor, and this left the program without a funding mechanism and with no specified procedures for group organization, or oversight by the Department of Fisheries.

Summary: Regional fisheries enhancement groups are encouraged to organize and to incorporate. Regional groups are funded through a dedicated account. Funds for the account are collected through a $1 surcharge on recreational salmon licenses and a $100 surcharge on commercial and charter boat licenses.

A Regional Fisheries Enhancement Group Advisory Board is created to make recommendations on enhancement proposals from the regional groups. The board consists of two commercial representatives, two recreational representatives, three at-large positions, and two ex officio members representing Indian tribes.

The administrative fee for the department is set at 20 percent of the account revenue. The license surcharges take effect January 1, 1991.

The department and the Regional Fisheries Enhancement Group Advisory Board shall report to the Legislature on a biennial basis. The department shall study ways to provide a list of all commercial and recreational licensees to the regional groups for purposes of increasing participation in regional group efforts. The funding in the regional group account shall not serve as replacement funding for projects which exist currently.

Votes on Final Passage:

Senate	35	8	
House	97	0	(House amended)
Senate	38	5	(Senate concurred)

Effective: June 7, 1990

SSB 6326

C 289 L 90

By Committee on Ways & Means (originally sponsored by Senator Owen)

Authorizing a southern Puget Sound water quality program.

Senate Committee on Environment & Natural Resources and Committee on Ways & Means
House Committee on Environmental Affairs
House Committee on Appropriations

Background: Both the Cooperative Extensive Service and the Washington Sea Grant Program provide advisory services. The Cooperative Extension concentrates its services on upland activities related to agriculture while the Sea Grant concentrates on marine resources. Both programs closely coordinate their advisory services where water quality considerations of upland activities may affect important marine resources such as fish and shellfish.

Recently the Cooperative Extension has been working with Mason County to provide extension agents for technical assistance regarding nonpoint source water

pollution issues that affect the water quality of Puget Sound. Additionally, the Sea Grant Program has provided advisory services to waterfront property owners regarding small–scale oyster farming and other shellfish operations.

The 1989 Puget Sound Water Quality Management Plan includes an element for the Sea Grant Program and Cooperative Extension Service to provide field agents to help coordinate and implement education and public involvement efforts related to water quality, with an emphasis on working with local governments. However, this element was not funded for the 1990–1991 biennium.

Summary: The Washington Sea Grant Program and the Cooperative Extension Service will jointly administer a program providing field agents within Kitsap, Mason and Jefferson Counties. The agents shall provide technical assistance on issues affecting shellfish production, including addressing nonpoint and point sources of pollution, water quality problems affecting recreational shellfish harvest, and the management and increased production of shellfish by facility operators. The agents will also assist local governments in implementing education and public involvement activities.

Sea Grant will have primary responsibility to address water quality issues and shellfish production within Puget Sound, while Cooperative Extension will take the lead on upland and freshwater activities affecting Puget Sound watersheds.

A match of nonstate funds will be required of between 25 and 50 percent of the cost of services provided. The match may be either monetary compensation or in–kind services. A report on the program is to be submitted to the Legislature in 1992 regarding whether it should be expanded to additional areas of the Sound.

The bill is made contingent on funding in the supplemental budget.

Votes on Final Passage:

Senate	46	0
House	97	0

Effective: June 7, 1990

SB 6327

C 14 L 90

By Senators McCaslin, Sutherland, Saling and Thorsness; by request of Washington State Patrol

Exempting certain state patrol from the civil service.

Senate Committee on Governmental Operations
House Committee on State Government

Background: The Washington State Patrol is centrally managed at the executive level by the Chief and three bureaus headed by a bureau chief or deputy director and one agency chief of staff. The functional areas are Chief/Legislative Relations, Field Operations, Support Services, and Investigative Services.

Under the State Civil Service Act, the Patrol is currently authorized one exempt confidential secretary position, assigned to the Chief. Exemption of the confidential secretary positions for the bureau chiefs has been requested because the positions include highly sensitive responsibilities. Other executive agencies with statutorily exempt confidential secretaries include the Department of Social and Health Services and the Department of Transportation.

Summary: In addition to the confidential secretary for the Chief of the State Patrol, confidential secretaries of agency bureau chiefs, or their functional equivalents, and for the chief of staff are exempted from state civil service. Each confidential secretary must meet the minimum qualifications for the class of Secretary II as determined by the State Personnel Board.

Votes on Final Passage:

Senate	39	0
House	95	0

Effective: June 7, 1990

SSB 6330

C 199 L 90

By Committee on Energy & Utilities (originally sponsored by Senators Benitz and Rasmussen; by request of Attorney General)

Amending consumer protection provisions.

Senate Committee on Energy & Utilities
House Committee on Judiciary

Background: The Consumer Protection Act permits the Attorney General to obtain information relevant to an investigation of possible violations through the use of a "civil investigative demand" (CID). A CID is an order from the Attorney General to a person believed to have such information to produce documents or records, answer written questions, or submit to oral questioning. The information obtained from the CID may not be disclosed by the Attorney General's office to any other person, unless permitted by a court order. The process is not applicable to criminal prosecutions.

The value of this investigative tool has sometimes been diminished by the disclosure of the receipt of a CID to third parties. For example, CIDs have been

sent to telephone companies to obtain phone records for persons believed to be involved in unlawful activity; some telephone companies have felt obligated to inform the customer of the demand from the Attorney General, thereby possibly compromising the investigation. Similarly, an individual or company directly receiving a CID may be able to alert others with whom they are involved in possible unlawful activity.

Summary: The Attorney General may order nondisclosure of a civil investigative demand if permitted to do so by prior court order.

If a CID specifically prohibits the disclosure of its existence or contents to third parties, and in the absence of a superior court order to the contrary, a recipient of the demand who makes such a disclosure commits a misdemeanor. An exception is made for disclosure to counsel for the recipient or as otherwise required by law. A bank, trust company, mutual savings bank, credit union, or savings and loan association organized under federal or state law is not subject to the provisions making it a misdemeanor to disclose the existence or contents of a CID.

Votes on Final Passage:

Senate	45	0	
House	97	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: June 7, 1990

SB 6335

C 31 L 90

By Senators Metcalf, Sutherland, Smith and Kreidler

Making it unlawful to operate certain commercial vessels in a negligent manner.

Senate Committee on Environment & Natural Resources
House Committee on Fisheries & Wildlife

Background: It is difficult for the state to enforce negligent boat operation statutes for documented commercial vessels that have a valid marine document issued under federal law since they are exempted by Washington law.

Summary: The language exempting documented marine vessels from the negligent vessel operation statute is removed so that the statute will apply to all vessels.

Votes on Final Passage:

Senate	46	0
House	96	0

Effective: June 7, 1990

SB 6344

C 8 L 90 E1

By Senators Niemi, Bailey, West, Vognild, McMullen, Wojahn and Smith

Revising provisions for regional support networks.

Senate Committee on Health & Long-Term Care
House Committee on Human Services

Background: Mental health reform legislation approved in 1989 authorized groups of counties to form regional support networks (RSNs) to accept additional funding and responsibility for management of their mentally ill populations. Groups of counties not recognized as RSNs by December 1, 1989 must wait until January of 1993 to be recognized.

Some counties not recognized during 1989 have expressed a desire to receive RSN designation sooner than 1993.

Summary: To receive RSN designation by January 1, a county or group of counties must apply by October 30 of the previous year.

Votes on Final Passage:

Senate	45	0
First Special Session		
Senate	48	0
House	92	0

Effective: July 1, 1990

SSB 6348

C 105 L 90

By Committee on Transportation (originally sponsored by Senators Madsen, Patrick, Bender and Patterson)

Permitting temporary-use nonpneumatic spare tires.

Senate Committee on Transportation
House Committee on Transportation

Background: In general, it is unlawful to operate a vehicle upon the public highways unless that vehicle is equipped with pneumatic rubber tires. Special provisions exist to allow vehicles equipped with solid rubber tires or hollow center cushioned tires to operate on the public roads at a speed not greater than 10 miles per hour.

With the advances in the life expectancy and dependability of vehicle tires, the likelihood of needing

the spare tire is reduced. Vehicle manufacturers' commitment to reduce vehicle weights and costs have resulted in the development and application of lighter weight spare tires, intended for temporary use. New technology for spare tires may result in nonpneumatic temporary use spare tires.

The National Highway Traffic Safety Administration is currently developing performance and labeling standards for nonpneumatic temporary use spare tires.

Summary: The requirement that vehicles operated on the public highway be equipped with pneumatic rubber tires is amended. Vehicles may be equipped with temporary use spare tires which meet federal standards and are installed and used in accordance with the manufacturer's instructions.

Votes on Final Passage:

Senate	47	0
House	97	0

Effective: June 7, 1990

SB 6354

C 19 L 90

By Senator Barr; by request of Department of Agriculture

Removing newspaper publication requirements for hearings on apple grades and size standards.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: Current law requires the Director of Agriculture to publish notice of hearings dealing with changes to apple grades and classifications at least three times in the newspaper with the widest circulation in the major apple producing areas where such hearings are to take place. This requirement is not provided for other commodities. The Administrative Procedure Act also provides for notice requirements.

Summary: The public notice requirements are amended to make hearing notice requirements uniform for all affected commodities.

Votes on Final Passage:

Senate	46	0
House	95	0

Effective: June 7, 1990

SSB 6358

C 42 L 90

By Committee on Transportation (originally sponsored by Senators Patterson, Bender, Thorsness, Patrick and Nelson; by request of Governor)

Modifying transportation tax rates and distributions.

Senate Committee on Transportation
House Committee on Rules

Background: The current state fuel tax is 18 cents per gallon. Nearly one half of the revenues collected are distributed to cities and counties for their road purposes. The remaining revenues are appropriated to state agencies such as the Department of Transportation and Department of Licensing. Gross weight fees, which also are deposited in the motor vehicle fund, have not been increased for almost 20 years.

The motor vehicle excise tax (MVET) is included in the annual billing for license tabs. The amount of taxation for MVET is calculated at 2.454 percent of the fair market value for the vehicle. Most of the revenues generated by the MVET are distributed to cities, counties, the state ferry system and transit districts, with the remainder going to the general fund.

Summary: The current state fuel tax rate of 18 cents per gallon is increased five cents per gallon in two steps (four cents on April 1, 1990 and an additional one cent on April 1, 1991).

The special category "C" account is created and priority criteria are established.

Truck gross weight and overload fees are increased by 40 percent, effective September 1, 1990.

Four local option transportation taxes are authorized:

— Fuel tax (10 percent of state rate) (subject to voter approval);

— Vehicle registration fees (limit $15) (subject to referendum);

— Commercial parking tax (subject to referendum); and

— Street utility charge (proceeds limited to 50 percent of annual maintenance and operations budget for streets).

The current motor vehicle excise tax (MVET) is reduced from 2.454 percent to 2.0 percent based on a new depreciation schedule, and the statute is simplified.

A surtax of 0.2 percent is added on the MVET and the revenue is placed in the newly-created transportation fund for transportation purposes. (The transportation fund is not subject to 18th Amendment restrictions on use of funds.)

The MVET paid on initial registration is for a full calendar year.

Effective July 1991, MVET transit match residuals are transferred from the general fund to the transportation fund. Beginning January 1, 1993, 0.1 percent of the MVET is transferred from the general fund to the transportation fund. The transit MVET match rate is reduced from 1 percent (in King, Pierce, Snohomish and Thurston Counties, from .96 percent) to .89 percent, effective January 1993. The revenues resulting from these reductions are deposited in separate accounts in the transportation fund and are set aside for high occupancy vehicle (HOV), Transportation Improvement Board (TIB) match, high capacity transportation and other transit-related roadway improvements.

The temporary 0.1 percent MVET for the ferry operating budget is made permanent.

Revenues distributed to the off-road vehicle and nonhighway account, the outdoor recreation account (boating fuel) and the snowmobile account are limited to current levels.

A statutory requirement for the Department of Transportation to collect tolls on the Hood Canal Bridge is eliminated. Tolls are not required so long as sufficient funds from the Puget Sound construction account are available to pay debt service. Requirements for the Marine Division to repay Hood Canal Bridge disaster funds, totalling $11.6 million, from the Puget Sound ferry operating account to the motor vehicle fund are eliminated.

The Department of Transportation is authorized to retire the remaining bond debt of $2.5 million on the Spokane River toll bridge (Maple Street Bridge) and replace the bridge deck in the 1991-93 biennium with federal, state and local matching funds. Bridge tolls are eliminated as soon as all bonds are retired.

The Puyallup Indian settlement account is created for deposit of monies appropriated for the settlement.

Votes on Final Passage:

Senate	25	24
House	56	39

Effective: June 7, 1990
April 1, 1990 (Sections 101-104, 115-117, 201-214, 405-411, 503)
September 1, 1990 (Sections 105-114, 301-303, 305-328, 401-40)
July 1, 1991 (Section 304)

SB 6370

C 193 L 90

By Senators von Reichbauer, DeJarnatt, Patrick, McCaslin and Thorsness

Changing provisions relating to changing the name of a city or town.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: The procedure for changing the name of a city or town is initiated by the filing of a petition signed by 50 resident electors. The question of whether or not to change the name is placed on the ballot at the next municipal election which can be up to two years later. (Municipal elections are conducted in November of odd-numbered years.)

If a majority of voters approve the ballot question, any 25 resident electors may nominate new names up until 20 days prior to the next succeeding municipal election—two years after the first vote.

The name receiving the most votes and at least 40 percent of the votes shall become the name of the city or town at the time the officers elected at that same election begin their terms.

If no name receives at least 40 percent of the vote, the two names receiving the highest vote will be resubmitted for vote at the next succeeding municipal election—four years following the first vote.

At a minimum, a name change will take approximately 27 months exclusive of the time to gather signatures on the initial petition. At a maximum, it could take six years and three months, plus the time to gather signatures.

For the city of Seattle, less than .01 percent of the resident electors can initiate an election. For the town of Krupp, more than 75 percent of the resident electors would have to petition for a change.

Summary: A city or town name change may be initiated by either a resolution of the city or town council or by a petition signed by resident electors equal in number to, at least, 10 percent of the vote cast at the last general municipal election. In a newly incorporated city or town that has not had a normal general municipal election, the clerk shall refer to the election at which the initial city officials were elected in determining the 10 percent threshold.

The resolution or petition shall indicate a specific name which shall be placed on the ballot at the next regular November election which occurs more than 60 days after the adoption of the resolution or the filing of the petition. Alternate names may be submitted by additional petitions or resolutions.

A name must receive a majority vote to be selected. If no name receives a majority, the two names receiving the most votes shall be placed on the ballot at the next November election.

Votes on Final Passage:

Senate	44	0	
House	96	1	(House amended)
Senate	45	0	(Senate concurred)

Effective: June 7, 1990

SSB 6377

C 144 L 90

By Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, DeJarnatt, Vognild and Kreidler)

Creating penalties for violations of fisheries laws.

Senate Committee on Environment & Natural Resources
House Committee on Fisheries & Wildlife

Background: The penalty for violation of the Fisheries Department statute is currently a gross misdemeanor for virtually all offenses. There is concern that the severity of penalties for fisheries crimes should vary depending on the severity of the crime committed.

Fisheries officers may seize boats, vehicles, gear, etc., which are used in violation of the fisheries code. There is a need to fully define the process of seizure and the rights of persons whose property is seized.

Summary: Crimes regarding recreational users of food fish and shellfish are categorized into infractions, misdemeanors, gross misdemeanors and class C felonies based on severity. Crimes involving commercial harvesters of food fish and shellfish are categorized into misdemeanors, gross misdemeanors, and class C felonies. Persons with four or more qualifying gross misdemeanor or felony fisheries convictions over a 12–year period are determined to be habitual offenders, and may have their licenses revoked by the director for a period of at least two years.

The courts are no longer required to forfeit commercial fishing licenses for violations of length, depth, or construction of fishing gear.

The seizure of articles used in fisheries violations is subject to the following procedures: notice to owners; time limitations on claims; administrative hearings; exclusion on situations which did not involve knowledge or consent, and disposition of the seized articles.

The sale of recreationally caught food fish is established as a gross misdemeanor if less than $250 in wholesale value, or as a class C felony if the sale is over $250 in wholesale value. The Fisheries Department must prove that persons who violate certain commercial fishing felony statutes intended to violate those statutes.

The sale, barter or trade of food fish or shellfish with a wholesale value of over $250 by persons who commercially fish without a valid commercial license is established as a class C felony. The purchase of $250 or more of food fish or shellfish that were taken illegally is a class C felony.

The director can only revoke a commercial fishing license for gross misdemeanor or felony violations. Revocation of commercial licenses may only occur in cases of bail forfeiture if the value of the forfeiture is greater than $250.

Votes on Final Passage:

Senate	42	5	
House	94	2	(House amended)
Senate	45	1	(Senate concurred)

Effective: June 7, 1990

SB 6388

C 121 L 90

By Senators von Reichbauer, Moore, Johnson and Rasmussen; by request of Insurance Commissioner

Regarding the cancellation of insurance.

Senate Committee on Financial Institutions & Insurance
House Committee on Financial Institutions & Insurance

Background: A property and casualty insurance company may not cancel an agency agreement or refuse to renew a class of business without providing 120 days advance written notice to the affected agent. After the notice of agency cancellation, the company must permit policyholders to renew their policies through the agent for one year.

No insurance company may cancel or refuse to renew the policy of an insured because of a termination of an agency agreement. A company also may not cancel or amend an agency agreement or refuse to accept business from an agent if the action is arbitrary or discriminatory. Moreover, any insurer or agent rejecting business placed by a broker must provide a written explanation of the rejection.

Summary: Insurance code provisions governing cancellation of agency agreements are repealed and replaced

with new provisions incorporating and amending existing code provisions.

No insurer may cancel or refuse to renew a policy because of the cancellation of the insurer's contract with an independent agent.

If an insurer wishes to cancel an agency agreement, the insurer must give 120 days written notice unless the cancellation is the result of certain specific circumstances such as the agent's gross and willful misconduct. During the 120 day notice period prior to agency termination, the insurer may not amend the agency agreement.

Unless the agency agreement provides otherwise, an agent may not write any new business for the cancelling insurer without written permission of the cancelling insurer. So long as a policy written by the agent continues to meet the insurer's standards and there is no valid reason for nonrenewal, the insurer must permit renewal of policies sold by the agent for a period of one year from the date of agency termination. The insurer must pay the agent any commission earned had the agency agreement not been cancelled.

The terminated agency is given a reasonable opportunity to transfer the affected policies to another insurer. Prior to the conclusion of the one year renewal period, the cancelling insurer must offer to renew policies meeting its standards unless the insurer has a reason to not renew the policy, or the terminated agent has placed a policyholder with a new insurer or another agent of the cancelling insurer.

Once an insurer has cancelled an agency agreement, the insurer is not required to continue to use the cancelled agent's services. The cancelled agent continues as the insurer's agent for those policies renewed within the one year period following notice of cancellation of the agency agreement.

Unless a policyholder notifies an insurer that he or she does not wish to renew the policy, the insurer must give notice of renewal if the insurer elects to renew or lacks a reason not to renew. If the policyholder has given written authorization, a cancelled agent may provide the written notice that a policyholder does not wish to continue with the insurer.

The provisions of this act do not apply to a business not owned by the agent, to general agents, to non-property and casualty agents, and to cancellations resulting from insurer insolvency.

Votes on Final Passage:

Senate	47	0
House	96	1

Effective: June 7, 1990

SSB 6389

C 178 L 90

By Committee on Law & Justice (originally sponsored by Senators Nelson, Talmadge and Newhouse)

Revising the Washington business corporations act.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: In 1989, the Legislature adopted the Revised Model Business Corporations Act, which goes into effect on July 1, 1990. The act, Chapter 23B RCW, replaces the current law, Chapter 23A RCW. The act tracks national developments in corporate law and keeps Washington in line with other major commercial states in the country.

Summary: The administration of the act is simplified and ambiguities are resolved.

The fee structure for corporate filings is amended to be consistent with current filing fees. Corporations may change their registered agent or office on their annual report without incurring an additional fee. Notice of annual license fees for foreign corporations will be sent to the corporation's registered office in Washington.

The Secretary of State may waive penalty fees when mitigating circumstances are presented; however, the Secretary of State has no discretion to administratively reinstate a dissolved corporation.

Dissolution procedures are consistent with current law. The 60-day delay in notice to a delinquent corporation is deleted. Affirmative causes of action do not survive dissolution; however, dissolved corporations retain the right to defend actions.

Notice to a corporation is effective when sent to the address or telephone number appearing on the current records of the corporation, if expressly authorized by the articles of incorporation or bylaws. Otherwise, notice is effective when received.

Amendments to articles of incorporation which change shareholder voting requirements for approval of a merger or sale of assets not in the ordinary course of business must be approved by the greater of the vote required for (1) such a merger or sale of assets; or (2) an amendment to the articles of incorporation.

The corporate authorization of federally chartered banks, savings institutions, and similar corporations is treated as being outside the act, consistent with current law.

Erroneous cross references are corrected, redundant sections are deleted and language inadvertently deleted is restored.

Votes on Final Passage:
Senate 44 0
House 97 0

Effective: July 1, 1990

SSB 6390

C 179 L 90

By Committee on Law & Justice (originally sponsored by Senators Nelson, Talmadge and Newhouse)

Modifying marital deduction provisions regarding qualified domestic trusts.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: In 1988, Congress abolished the estate tax marital deduction for gifts to surviving spouses who are not U.S. citizens, unless the property given is placed in a qualified domestic trust. To qualify as such a trust, its terms must require that each trustee be a U.S. citizen or domestic corporation, the surviving spouse is entitled to all income of the trust, payable at least annually, and the trust must meet any other requirements prescribed by the Secretary of the Treasury.

Summary: A fiduciary of an estate may elect to qualify property for the federal estate marital deduction. As a saving provision for nonqualifying trusts, the provisions of the trust shall be construed in accordance with the requirements of the Internal Revenue Code. At least one trustee must be a U.S. citizen or domestic corporation and must approve all distributions. The trust must meet all other requirements prescribed by the Secretary of the Treasury. If the surviving spouse becomes a U.S. citizen thereafter, such provisions will no longer apply. A Washington superior court may reform a will or trust as necessary to qualify the trust for the marital deduction.

An emergency clause allows a court to reform any nonqualifying trusts immediately if necessary.

Votes on Final Passage:
Senate 45 0
House 97 0

Effective: March 26, 1990

SB 6391

C 224 L 90

By Senators Nelson, Talmadge and Newhouse

Correcting internal revenue code references in the estate and transfer tax statutes.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Washington's estate tax and probate statutes contain a number of references to the Internal Revenue Code of 1986, "as it is amended from time to time." Attempts to adopt future federal regulations are unconstitutional delegations of legislative power.

Summary: References to the Internal Revenue Code of 1986 are to the regulations in effect on the effective date of this act, rather than to the code as amended from time to time.

Votes on Final Passage:
Senate 44 0
House 97 0

Effective: June 7, 1990

SB 6392

C 79 L 90

By Senators Nelson, Talmadge and Newhouse

Amending requisites of wills.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Often witnesses to a will sign an affidavit which is attached to the will. Witnesses shall attest by subscribing their names to the will. Under Washington case law, the witnesses' attestation will be deemed valid so long as it is made in the testator's presence, and at the testator's direction or request, whether by signing the will or by signing a separate affidavit.

Wills may be executed in accordance with the laws of the state where the will was executed or the laws of the testator's state of domicile. There has been confusion about applying the law at the time of execution of the will or at the time of the testator's death.

Summary: Two or more competent witnesses must attest a testator's signature, either by subscribing their names to the will or by signing an affidavit, while in the testator's presence and at the testator's direction. Wills may be executed in accordance with the laws of the state where executed or the testator's state of domicile, and may be in effect at the time of execution of the will or the testator's death.

Technical changes are also included which replace the pronoun "his" with "the testator."

Votes on Final Passage:
Senate 46 0
House 97 0

Effective: June 7, 1990

SSB 6393

C 237 L 90

By Committee on Law & Justice (originally sponsored by Senators Nelson, Talmadge and Newhouse)

Exempting certain retirement benefits from execution, attachment, garnishment, or seizure.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: In 1987, the Legislature exempted retirement benefits, such as IRAs, Keoghs, and annuities, from legal attachment or seizure, both inside and outside bankruptcy. In 1988, the United States Supreme Court held that a similar exemption in a Georgia statute was preempted by the Employee Retirement Income Security Act of 1974 (ERISA) due to its express reference to ERISA.

Summary: Express references to ERISA are eliminated and references are added regarding the state's authority, under the federal bankruptcy code, to enact exemptions from bankruptcy. All retirement plans (whether subject to ERISA or not) are exempt from execution, attachment, garnishment or seizure. To accord additional protection, qualified employee benefit plans are deemed spendthrift trusts which exclude benefits from an individual's estate.

Technical corrections clarify that employee benefit plans are liable for their own validly incurred obligations (such as trustee's fees) and that welfare benefit plans are not exempt.

Votes on Final Passage:
Senate 44 0
House 97 0

Effective: March 28, 1990

SB 6394

C 225 L 90

By Senators Nelson, Talmadge and Newhouse

Modifying provisions regarding escheat property and small estates.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: In 1988, the Legislature delegated supervision and jurisdiction over escheat property to the Department of Revenue. Escheat property includes unclaimed estates, such as the estates of deceased inmates of state institutions.

Technical legislation will help the department to facilitate the administration of the escheat laws.

Summary: The Department of Revenue must be notified of probate proceedings in which it is to be named as administrator of an estate. Within 40 days of such notice, the department director or designee must file an application for appointment as administrator or waive the right to administer the estate.

The department is authorized to use the affidavit of successor procedures in the probate code for estates under $30,000. Such procedures provide for the payment of debts owed to a decedent and transfer of his or her personal property to the successor upon proof of death and an affidavit stating that the successor is entitled to such payment or transfer.

The department is required to file a copy of the affidavit with the clerk of courts for review by the general public.

Votes on Final Passage:
Senate 47 0
House 97 0

Effective: June 7, 1990

SSB 6395

C 180 L 90

By Committee on Law & Justice (originally sponsored by Senators Nelson, Talmadge and Newhouse)

Correcting obsolete inheritance tax references.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: In 1982, inheritance tax was eliminated in Washington and replaced by estate and transfer taxes. There are references in the RCW to inheritance tax and the Inheritance Tax Division which have never been deleted.

Summary: Obsolete references to inheritance tax, Inheritance Tax Division and inheritance and federal death tax are deleted.

Sections of Title 23A RCW, relating to the transfer of shares between spouses, repealed effective June 30, 1990, were inadvertently deleted from Title 23B RCW which replaces Title 23A RCW, and are added to the Probate and Trust Code. An inheritance tax release is not necessary to transfer shares of a deceased spouse.

Votes on Final Passage:

Senate	47	0
House	97	0

Effective: June 7, 1990

SB 6396

C 111 L 90

By Senators Nelson, Talmadge and Newhouse

Revising the deed of trust act.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Under current law, an obligation secured by a deed of trust is satisfied when the deed of trust is foreclosed; deficiency judgments are precluded. The creditor must complete any trustee's sale under the deed of trust before exercising remedies against other collateral securing the obligation. This causes difficulties in the case of commercial loans, especially when a loan is secured by assets in more than one county or state. Other security may be inadvertently released by holding a trustee's sale on a deed of trust. The prohibition against concurrent actions may force the creditor to pursue actions consecutively against different assets which secure the same debt. This often takes a substantial period of time. The creditor may also be forced to segregate the debt, securing different parts of the loan with different portions of the collateral.

Summary: The beneficiary on a commercial loan may exercise remedies against other collateral voluntarily granted to secure the same debt up to the amount necessary to satisfy the loan. The creditor need not complete a trustee's sale under the deed of trust before exercising remedies against other collateral on a commercial loan.

Votes on Final Passage:

Senate	45	0
House	97	0

Effective: June 7, 1990

SB 6399

PARTIAL VETO

C 165 L 90

By Senators Barr, Hansen, Bluechel, Warnke, Johnson, Lee and Bailey

Requiring employer compliance with the office of support enforcement.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: An employer who disciplines, discharges or refuses to hire an employee as the result of a payroll deduction action may be liable to the employee for double the amount of damages suffered. The employer may also be liable for costs, reasonable attorney fees and subject to a civil penalty of up to $2,500.

An employer who fails or refuses to deduct and remit earnings, or fails to answer a notice of payroll deduction within 20 days is liable for the lesser of 100 percent of the amount of the debt or the amount which should have been withheld. The liability established against the employer includes costs, interest reasonable attorney fees and staff costs.

Summary: The Office of Support Enforcement is directed to cooperate and assist employers who hire individuals subject to a payroll deduction for child support. The provision that allows double damages for wrongful discipline, discharge, or refusal to hire is eliminated but a wronged person may still recover lost wages and other actual damages. The civil penalty is reduced from a fine up to $2,500 per violation to a fine not to exceed $250.

An employer may be liable for 100 percent of the support debt, or the amount which should have been withheld, if the employer is unwilling to comply with other statutory requirements, such as giving the wage assignment order priority over other garnishments.

Votes on Final Passage:

Senate	49	0	
House	97	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: June 7, 1990

Partial Veto Summary: The provisions requiring the cooperation of the Office of Support Enforcement, eliminating double damages, and reducing the civil penalty were vetoed. (See VETO MESSAGE)

SSB 6407

PARTIAL VETO

C 16 L 90 E1

By Committee on Ways & Means (originally sponsored by Senators McDonald, Gaspard, Rasmussen and Conner; by request of Governor)

Adopting the supplemental operating budget.

Senate Committee on Ways & Means
House Committee on Appropriations

Background: The agencies of the state operate on the basis of a fiscal biennium that begins on July 1 of each odd-numbered year. During the 1989 legislative session, the Legislature enacted the 1989-91 Omnibus Appropriations Act for the operation of state government.

Summary: A supplemental Operating Appropriations Act for the 1989-91 fiscal biennium is adopted.

Appropriation: $476,274,000 (general fund-state)

Votes on Final Passage:

Senate	25	23	
House	67	26	(House amended)
Senate			(Senate refused to concur)
First Special Session			
Senate	25	24	
House	67	29	(House amended)
Senate			(Senate refused to concur)
Free Conference Committee			
House	93	0	
Senate	43	4	

Effective: April 23, 1990

Partial Veto Summary: The Governor vetoed 18 sections or subsections. (See VETO MESSAGE)

SB 6408

PARTIAL VETO

C 298 L 90

By Senators Patterson, Bender, Thorsness, Hansen and Talmadge; by request of Governor

Adopting the supplemental transportation budget.

Senate Committee on Transportation
House Committee on Rules

Background: The 1989 Legislature adopted a $2.0 billion budget for the 1989-91 biennium for all transportation agencies. This was a "no tax" budget.

Summary: The 1990 transportation supplemental budget adds $159.5 million, bringing the 1989-91 biennium total to $2.2 billion, an increase of 7.9 percent. This budget assumes passage of the comprehensive 1990 revenue bill. Major enhancements include:

1) $12.4 million for a new county arterial preservation program;

2) $6.9 million for increased funding for the county rural arterial program;

3) $41.3 million for the Transportation Improvement Board which has been unfunded since it was created in 1988;

4) $.8 million for the Legislative Transportation Committee (LTC) to provide a comprehensive transit study and to continue the fuel pricing study authorized in 1989. Studies proposed by the Governor on the programming and prioritization process of construction projects and on cost responsibilities will be undertaken by the LTC, and funded by the appropriation to program Z in the Department of Transportation;

5) $50.0 million for the regular Category C program at the Department of Transportation;

6) $5.0 million for special Category C projects including the First Avenue South Bridge, SR 18 between Auburn and I-90, and the North-South corridor in Spokane;

7) $3.1 million for removal of toll booths and preliminary engineering for the Spokane River Bridge and redemption of outstanding bonds;

8) $4.6 million from the new high capacity transit program including $3.4 million for high capacity planning grants, $.2 million for high capacity administration, $.2 million for freight rail administration, $.2 million for Amtrak studies, and $.5 million for the Expert Review Panel;

9) $.3 million for an update to the 1985 port study;

10) $1.7 million for regional transportation planning;

11) $.9 million for completion of passenger only terminal construction and preliminary design work at the Sidney terminal;

12) $8.8 million for passenger only operating funds, continuation of the Sidney terminal lease, completion of the payroll project, and for additional service enhancements;

13) $.2 million for analysis of a State Patrol headquarters facility;

14) $.2 million for initial cost of five-year lease option for new Washington State Patrol plane;

15) $.5 million for completion of the county auditor automation project (CAAP) at the Department of Licensing;

16) $1.9 million reduction of Department of Licensing transportation funds to complete cost accounting study fund shift recommendations;

17) $.4 million for strategic planning for information services at the Department of Licensing;

18) $.5 million for a new air transportation commission.

Appropriation: $159.5 million

Votes on Final Passage:

Senate	29	18	
House	94	3	(House amended)
Senate			(Senate refused to concur)
Free Conference Committee			
House	83	14	
Senate	41	4	

Effective: March 30, 1990

Partial Veto Summary: Section 3, Washington State Patrol—field operations, was vetoed because the Governor was concerned that additional draws on the PSEA might cause the account to be overexpended. This reduced the total appropriation by $364,600. The items that were eliminated include: $250,000 (PSEA) for a new component to the public safety officers program on bicycle awareness; $65,000 (SPHA) for acquisition of commercial vehicle enforcement sales; and $49,000 (SPHA) and $600 (GF–S) for the Department of General Administration motor vehicle fleet assessment.

Section 13, which contained the $550,000 appropriation for the Air Transportation Commission, was vetoed. The commission would have been supported equally by general and transportation fund appropriations. The Governor did not believe this was an appropriate use of general fund monies.

The Governor vetoed section 33 of the transportation budget which would have provided a $3 million general fund–state appropriation to the Department of Ecology (DOE) for distribution to local air pollution control authorities. The DOE is currently developing a comprehensive program to address air pollution and will submit budget requests in 1991. (See VETO MESSAGE)

SB 6411

C 272 L 90

By Senators Lee, Smitherman, Warnke, Bender and Rasmussen; by request of Governor

Establishing an employment training program.

Senate Committee on Economic Development & Labor

House Committee on Trade & Economic Development

House Committee on Appropriations

Background: The Legislature has reviewed a number of proposals in the last several years which would address the expected mismatch between the workers' skill level necessary for maintaining a competitive economy and the existing skills of the state's workforce. While there is agreement that the state's adult training system may not currently be meeting the training needs of businesses and workers, there is little evaluative data on the effectiveness and the efficiency of private and public training programs in the state.

Summary: The Advisory Council on Investment in Human Capital is created. The council is to provide advice on (1) a study of the state's training needs and training delivery system, and (2) four new training programs.

The Office of Financial Management is to conduct a study which (1) assesses the employment competency of the workforce, the skills needed by businesses, the gaps between the capabilities of the workforce and the skills needed by businesses, the demographics of the population needing training between now and the year 2010, the job readiness of K–12 graduates with voc–ed training, and the current training appraisal systems of the state; and (2) inventories and analyzes the current training system and alternatives. In addition, recommendations on reducing illiteracy, governance issues of vocational education programs, and changes in the training system are to be made.

The Office of Financial Management is to oversee four pilot training programs. The programs are:

(1) the provision of new programs responding to the needs of businesses in the workforce by community colleges;

(2) the provision of training for dislocated workers from small timber and rural firms by the Employment Security Department;

(3) the integration of training services with programs for substance abuse prevention and/or treatment for youth; and

(4) the integration of adult education instruction with vocational–technical institute programs by the Superintendent of Public Instruction.

The Superintendent of Public Instruction is to establish a grant award program for not more than three demonstration vocational cooperative projects. The grants may be continued for up to five years.

There is a July 1, 1991 expiration date.

Votes on Final Passage:

Senate	31	15	
House	97	0	(House amended)
Senate			(Senate refused to concur)
Free Conference Committee			
House	95	0	
Senate	38	9	

Effective: March 29, 1990

SSB 6412

C 14 L 90 E1

By Committee on Environment & Natural Resources (originally sponsored by Senators McDonald, Vognild, Bluechel, Nelson, Warnke, Rinehart, Gaspard, Bailey, Lee, Patrick, Bender, McMullen, Talmadge, Murray, Williams, Bauer, DeJarnatt, Stratton, Metcalf, Conner, Madsen and Kreidler; by request of Governor)

Funding the acquisition of land for wildlife conservation and outdoor recreation.

Senate Committee on Environment & Natural Resources and Committee on Ways & Means
House Committee on Natural Resources & Parks

Background: The 1989 Legislature directed the Interagency Committee for Outdoor Recreation (IAC) to conduct a statewide needs assessment and action plan for land acquisition for long–term outdoor recreation, wildlife, and conservation purposes. The report, prepared by the Washington Wildlife and Recreation Coalition under contract to the IAC, found a substantial deficiency of funding for both existing and projected demand for outdoor recreation opportunities and wildlife habitat protection. It found that 84 percent of Washington residents regularly participate in some form of wildlife recreation. The popularity of outdoor recreation activities has led to overcrowding at many facilities. For example, the demand for trails is projected to grow by more than 35 percent over the next decade, twice the population growth rate. Although water–based recreation is very popular, less than 17 percent of the state's saltwater shoreline is available for public use.

The report also found a decline in natural areas available for wildlife habitat and outdoor recreation. It found that more than 90 percent of the state's coastal wetlands and old growth forests are gone, that most of Eastern Washington's native grasslands and shrub–steppe habitats have been lost, and that critical habitat for fish and shellfish is being lost as waterfront property is developed.

The funding levels for acquisition programs have also declined. The total funding for state park and wildlife habitat acquisition programs during the past decade totalled just $18 million. During the past decade, the natural resources share of the state budget has declined to its current level of about 2 percent of the budget. Federal grants to Washington for state agency and local government outdoor recreation projects through the Land and Water Conservation Fund have also declined from a peak of $6.3 million in 1979 to $320,000 in 1989. Although several state bond issues provided significant funding during the 1960's and 1970's, the last state bond measure for these purposes was $3.2 million in 1985.

Summary: Habitat Conservation Account. The habitat conservation account is created in the state treasury, to be administered by the Interagency Committee for Outdoor Recreation (IAC). Moneys appropriated to the account are to be distributed for acquisition and development projects as follows: (1) not less than 35 percent for critical habitat; (2) not less than 20 percent for natural areas; (3) not less than 15 percent for urban wildlife habitat; (4) the remainder for high priority projects meeting the criteria of the other three categories. Only state agencies may apply for critical habitat and natural area project grants, while both state and local agencies may apply for funds for urban wildlife habitat projects. Criteria are specified for consideration by the IAC for determining acquisition priorities for critical habitat and natural areas proposals, and for wildlife habitat proposals.

Outdoor Recreation Account. Moneys appropriated for the purposes of this bill to the outdoor recreation account are to be distributed as follows: (1) not less than 25 percent for state parks, with at least 75 percent of this amount for acquisition; (2) not less than 25 percent for local parks, with at least 50 percent of this amount for acquisition; (3) not less than 15 percent for trails; (4) not less than 10 percent for water access sites, with at least 75 percent of this amount for acquisition; (5) the remainder for high priority projects for parks, trails and water access sites. Both state and local agencies may apply for project funding for

trails and water access sites. Criteria are specified for consideration by the IAC for determining acquisition and development priorities for trails proposals.

Requirements Applicable to Both Accounts. A local agency must commit a share at least equal to the amount awarded by the IAC. The percentage allocations for distributions from the accounts need not be met in any one biennium. The IAC project list shall describe any anticipated restrictions on recreational activities allowed prior to the project. Projects funded are to be accessible to the public on a nondiscriminatory basis. Projects may be funded from both accounts or several of the categories under such accounts.

For each account, the IAC shall annually recommend to the Governor two prioritized lists of projects for funding: (1) state agency proposals; and (2) local agency proposals. The Governor may remove projects from the list, and shall submit the amended list in the capital budget request to the Legislature. The IAC may not obligate funds from the accounts before the Legislature appropriates funds for a specific project list. The grant moneys may not be used for condemnation.

The appropriations from the accounts for the biennium ending June 30, 1991 will be expended for projects recommended by the IAC to the Governor by March 31, 1990, who must approve a list of projects by April 15, 1990. If a site has been converted or the owner is not willing to sell, IAC shall select from the list until all funds have been expended.

Appropriation: $62 million

Votes on Final Passage:

Senate	38	9	
First Special Session			
Senate	35	8	
House	90	4	(House amended)
Senate	36	12	(Senate concurred)

Effective: July 1, 1990

SSB 6417

PARTIAL VETO

C 299 L 90

By Committee on Ways & Means (originally sponsored by Senators McDonald, Vognild, Bluechel, Saling, Nelson, Rasmussen, Gaspard, Johnson, Sellar, Bailey and Conner; by request of Governor)

Adopting the supplemental capital budget.

Senate Committee on Ways & Means
House Committee on Rules

Background: The Legislature enacts biennial appropriations for the capital construction needs of state agencies and institutions.

Summary: A supplemental Capital Appropriations Act for the 1989–91 fiscal biennium is adopted.

Appropriation: $266,572,000 (from various sources)

Votes on Final Passage:

Senate	35	13	
House	77	19	(House amended)
Senate			(Senate refused to concur)
Free Conference Committee			
House	82	15	
Senate	40	5	

Effective: March 30, 1990

Partial Veto Summary: $500,000 for the Grandy Creek feasibility study and design work is deleted. (See VETO MESSAGE)

2SSB 6418

C 271 L 90

By Committee on Ways & Means (originally sponsored by Senators Barr, Warnke, West, Wojahn, Patterson, Rinehart, Smitherman, Newhouse, Owen, Smith, Amondson, Bauer, DeJarnatt, Williams, Talmadge, Hansen, Conner, Madsen and Kreidler; by request of Governor)

Expanding rural health care opportunities.

Senate Committee on Health & Long–Term Care and Committee on Ways & Means
House Committee on Health Care
House Committee on Appropriations

Background: The presence of health care providers in rural communities is essential to assure continued access to basic health care services for rural citizens. A number of factors appear to affect the continued availability of rural community–based health care services.

Studies have shown that rural communities are experiencing a loss of health care dollars because consumers leave the rural community to seek basic health care services in urban areas. It is believed that if these dollars are retained in the community, locally based services could be preserved. Some rural communities have responded by forming local health insurance arrangements where local providers contract with businesses and others to provide health care services to the local population. These arrangements have been formed by rural communities with the belief that they

are exempt from state regulation under the federal ERISA Act provisions. The state Insurance Commissioner has recently indicated they are not exempt and has begun to regulate them under existing insurance laws. There is concern that existing insurance regulations, particularly financial reserve requirements, are not sensitive to the unique characteristics of the arrangements and may force their discontinuation.

Some rural areas of the state are currently experiencing physician, pharmacist, and maternity care provider shortages. Studies have demonstrated that physicians who originate from rural areas, or who have exposure to rural areas during their medical training are more strongly committed to maintaining a practice in a rural community. Attracting individuals into medicine, pharmacy, and midwifery through scholarship programs may help address the rural shortage of maternity care providers and basic health care providers.

In the smaller rural communities of the state, basic health care services are supplied by a few health care professionals. Should a provider leave the community or need time away from the practice, the community could be left without basic health care services. A corps of providers willing to travel to these communities and provide temporary medical care services could help maintain the availability of basic health care services.

Summary: The Department of Health is directed to establish the health professional temporary substitute resource pool. A state registry will be compiled to identify physicians, physician assistants, pharmacists, and advanced registered nurse practitioners willing to provide medical care services on a short-term basis in rural communities. The pool will provide medical care to communities with health professional shortages or where the local health professionals need time away from practice.

Participating health care professionals will receive reimbursement for travel and lodging costs, medical malpractice insurance coverage through a department purchased plan or through reimbursement for malpractice insurance premium costs, and back-up support from area physicians and hospitals. Rural communities are responsible for any salary costs. Health professionals may serve continuously in a community for a maximum of 90 days unless extended by the department. The department may require participating communities to agree to participate in recruitment programs or other programs designed to reorganize health care services.

The Rural Physician, Pharmacists, and Midwife Scholarship Program is established within the Higher Education Coordinating Board. The program provides scholarships of up to $15,000 per year for five years for medical students intending to serve as primary care physicians serving in rural areas. Scholarships of up to $4,000 per year for three years are available to students intending to serve as pharmacists in pharmacy shortage areas or as certified or licensed midwives in midwifery shortage areas.

Participants in the scholarship program must serve in a rural area, a pharmacy shortage area or midwifery shortage area for at least five years or face repayment of portions of the scholarship plus a penalty equal to twice the total amount paid for on their behalf. The department may provide technical assistance to rural communities to recruit individuals to apply for the scholarship program. The Dean of the School of Medicine is directed to establish a policy to grant preference for admission openings to prospective medical students eligible for the scholarship program.

The department is directed to develop a plan for increasing rural training opportunities for students in medicine, pharmacy, and nursing. They are also directed to develop a statewide plan to address access to midwifery services. A review of the scholarship program is to be conducted by the department by September 1, 1995 for the purpose of recommending whether the program should be continued.

The department may develop a rural health plan and approve hospitals to be designated as essential access community hospitals so that they may access federal program dollars and increase their Medicare reimbursement.

The Insurance Commissioner (OIC) is required to establish a committee to recommend ways to improve the availability of affordable health care in rural communities. The recommendations shall be submitted to the Governor and the Legislature no later than November 1, 1990. The committee shall terminate on January 1, 1991.

Existing rural health care service arrangements (RHCSA), as defined in the act, are permitted to continue operation if they meet the following requirements: 1) inform the OIC, within ten days of the effective date of the act, of the intent to apply for approval to operate as a health care service contractor or merge with a contractor, health maintenance organization (HMO), or disability insurer; 2) submit application by May 1, 1990; 3) deposit reserves of $100,000 with the OIC by July 1, 1990; 4) deposit reserves of $150,000 with the OIC by September 1, 1990; and 5) comply with all OIC requirements, except as stated herein. OIC is given related enforcement powers. RHCSAs are required to comply with

all the pertinent health insurance laws. The reserve requirements cannot be increased until May 1, 1991.

Appropriation: $200,000 in the Governor's budget; $49,000 to the OIC from the Insurance Commissioner's regulatory account for the study.

Votes on Final Passage:

Senate	45	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
Free Conference Committee			
House	95	0	
Senate	44	0	

Effective: March 29, 1990

SSB 6426

C 240 L 90

By Committee on Transportation (originally sponsored by Senators Cantu, Bender, Patterson and McDonald)

Revising the Scenic and Recreational Highway System.

Senate Committee on Transportation
House Committee on Transportation

Background: Designation of a state route as a scenic highway requires legislative authorization. The recreational character and geography of State Route 901 is similar to other state routes of comparable usage that have been designated as scenic and recreational highways.

Legislation was passed in 1989 which designated State Route 901 as part of the scenic and recreational highway system. The bill, however, was vetoed by the Governor on the basis that further additions to the scenic highway system should not be made until the Legislature developed specific selection criteria to prioritize and rank the various highways that merit designation to the scenic and recreational system.

Summary: The Department of Transportation, in consultation with the Parks and Recreation Commission, is required by December 1, 1990 to develop a method for assessing scenic and recreational merit for adding highways to the scenic and recreational highway system. Recommendations for highway additions to the system, made after the effective date of the act, must be made by the department in accordance with the method adopted. The department's recommendations on additions to the system are subject to legislative approval.

The method developed by the department for assessing scenic and recreational merit shall take into consideration such factors as: (1) the scenic quality of the corridor; (2) service to major population centers; (3) variety of recreational experience; and (4) degree of urgency to which the corridor is to be protected.

State Route 901, beginning in the vicinity west of Issaquah, then north to the west of Lake Sammamish to a point in the vicinity of Redmond, is designated as part of the scenic and recreational highway system as of the effective date of the act. Should the statutory description of State Route 901 change, the route retains its designation as a scenic and recreational highway.

Votes on Final Passage:

Senate	47	0
House	97	0

Effective: June 7, 1990

SSB 6446

C 132 L 90

By Committee on Energy & Utilities (originally sponsored by Senators Benitz, Madsen, Patrick, Kreidler, Sutherland and Barr)

Revising provisions for public water systems.

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities
House Committee on Appropriations

Background: As of the beginning of 1989, there were over 12,000 public water systems in Washington. This figure is more than double the number that existed ten years earlier. Approximately 80 percent of these systems have fewer than 100 connections. The rapid growth in the number of such small systems is occurring principally in the areas of the state that are rapidly urbanizing.

The regulatory responsibility for these systems is fragmented and overlapping. State laws governing the quality and quantity of water to be supplied by such systems are to be enforced by both the Department of Health and local boards of health. The Department of Health is responsible for enforcing federal regulations on water quality under the Safe Drinking Water Act. The Utilities and Transportation Commission regulates large, private water systems (those with more than 100 connections, or with average monthly customer revenue of $25).

Inadequate water service delivery problems are reported with increasing frequency by customers of small water systems. Such problems are expected to

increase in the future as small systems are required to implement costly measures to comply with recent changes in federal water quality laws. There is sometimes confusion as to what government agency is responsible for insuring that the water system comply with the law.

Summary: The duties of the Secretary of Health are modified to include enforcement authority by agreement with local health officers or boards, and to explicitly provide for review and approval of public water system plans. The Department of Health is designated as the primary state agency for receiving complaints from customers about the failure of their water system. Each county designates a person to perform the same function at the county level; in the absence of such a designation, the county health officer does it. Both the counties and the department are to devise procedures for handling such complaints. The department and each county are required to take all reasonable steps to assist customers to obtain a dependable supply of water.

The department is required to develop a brochure or pamphlet by January 1, 1991, that outlines to consumers the relevant state laws on drinking water, the role of state and local agencies, the rights of customers, and where to address the most common complaints.

Water systems must provide the department the names, addresses, and phone numbers of owners, operators, and emergency contacts, and must provide a 24-hour emergency contact to customers.

Water companies regulated by the UTC are not permitted to furnish water contrary to department-approved plans. UTC-regulated water companies are permitted to include in their rates the funding of a capital reserve account for making capital improvements necessary to comply with federal and state law, as approved by the department and the UTC.

Votes on Final Passage:

Senate	45	0
House	96	0

Effective: March 21, 1990

SSB 6447

C 133 L 90

By Committee on Energy & Utilities (originally sponsored by Senators Benitz, Madsen, Patrick, Sutherland and Barr)

Regarding failing public water systems.

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities
House Committee on Revenue

Background: There are over 12,000 public water systems in Washington, an increase of more than 100 percent from the number ten years ago. Approximately 80 percent of these are small systems with fewer than 100 connections. Virtually all of these are investor-owned, cooperatives, mutual companies, or homeowner association-operated.

These small systems have been failing with increasing frequency to comply with the legal requirement to deliver water of adequate quantity and quality. It is well accepted by professionals in the drinking water field that small systems commonly have problems with design, financing, operation, and management. Often these problems are directly related to the limited capital available from the small rate base, and because privately-operated systems do not have access to funding sources that publicly-operated systems have.

The burden on such small systems will be increasing in the future as they are ordered to comply with costly new testing and treatment requirements under federal law. On many occasions in the past, owners or operators of such systems have refused to meet their legal obligations, or have abandoned the systems entirely, which has created a potential threat to the health of their customers. Solutions to this problem, which range from stricter enforcement to takeovers of failing systems by well-operated systems, are complicated by legal ambiguities or barriers.

Summary: The authority to file legal actions against water systems that fail to comply with health and safety standards is made explicit and strengthened. The Secretary of Health or local health officer is given express authority to bring legal actions and obtain temporary injunctive orders if there is an immediate and serious danger to residents constituting an emergency. In receivership actions brought by the department, it must recommend to the court an available and willing person, municipal entity, special purpose district, or investor-owned utility to act as a receiver from a list the department maintains. In the absence of such a person, the county is to be named as receiver. A county named as a receiver is authorized to contract for management of the failing system, and the county health officer is to provide regulatory oversight. Courts shall authorize receivers to impose reasonable assessments on customers to recover the cost of necessary improvements. The department is to recommend to the court that receivers act in the best interests of customers. A receiver may be appointed ex

parte on a showing of an immediate and serious danger constituting an emergency. Court-established bond for a receiver is to be minimal. The department may initiate an action for a receivership at the request of a local health officer. Persons appointed to act as receivers are not personally liable for good faith, reasonable actions in assuming possession of and operating such systems.

A revision to condemnation statutes, an allowance for different customer service rates that reflect the cost of acquisition and improvement of a system, and improved access to public works trust fund monies are provided to assist local governments to acquire and improve water systems that fail to meet health and safety standards.

Administrative fines for violations of health and safety standards must be at least $500. Local health officers are authorized to impose administrative penalties for violations of state regulations, to file legal actions, and to inspect as necessary water system construction.

The Department of Health, in conjunction with other agencies and interested parties, must provide a comprehensive report to the Legislature by December 1, 1990, on the problems with existing public water systems and the potential for more problems in the future, with alternative approaches or solutions.

Votes on Final Passage:

Senate	47	0	
House	96	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: March 21, 1990

SB 6451

C 216 L 90

By Senators McDonald and Hayner

Modifying the cigarette tax.

Senate Committee on Ways & Means
House Committee on Revenue

Background: All cigarette wholesalers and retailers are required to affix tax stamps to cigarettes within their possession unless stamps already are attached. However, licensed wholesalers and retailers may possess unstamped cigarettes for sale to persons outside the state, to instrumentalities of the federal government, and to the established governing bodies of Indian tribes. These later persons are exempt from the state cigarette tax.

Recent decisions by state and federal courts have cast doubt on the ability of the state to interdict shipments of contraband cigarettes. In Gord v. State, 50 Wn. App. 647, 749 (1987), the Washington Court of Appeals ruled that unstamped cigarettes transported by any person would be immune from seizure and the contraband provisions of current law if the cigarettes were being delivered to an Indian tribe. The fact that the cigarettes might be resold to non-Indians without the payment of tax would be of no consequence.

In United States v. Lopeman, No. CR-88-117S, the federal district court enjoined the federal prosecution of an individual arrested for transporting unstamped cigarettes across state lines into Washington based on the Gord decision.

Illegal sales of unstamped cigarettes produce no revenues for the state and lower the sales of wholesalers and retailers who comply with the law. In September of 1989 the Department of Revenue estimated that $17.9 million of state tax revenue is lost annually due to the illegal sale of unstamped cigarettes.

Summary: The requirement that only licensed wholesalers and retailers are authorized to possess unstamped cigarettes is clarified. Advance notice to the Department of Revenue is required from persons other than licensed wholesalers before the transportation of unstamped cigarettes. In addition, the Department of Revenue is authorized to adopt rules regulating the transportation of unstamped cigarettes to Indian tribal organizations.

Votes on Final Passage:

Senate	42	1
House	92	5

Effective: March 27, 1990

SSB 6452

C 23 L 90

By Committee on Ways & Means (originally sponsored by Senators von Reichbauer, Gaspard, McDonald, Newhouse and Lee)

Clarifying "annual leave" for purposes of the school district leave sharing program.

Senate Committee on Ways & Means
House Committee on State Government
House Committee on Appropriations

Background: In 1989 the Legislature created a leave sharing program, where state employees can donate some of their annual leave to a fellow employee who faces losing his or her job or going on leave without

pay due to an extraordinary illness or injury that has caused that employee to use all of his or her sick and annual leave reserves. Employees may donate any amount of annual leave as long as they maintain a balance of 10 days. Under the state civil service system and the higher education personnel system, "annual leave" generally means vacation leave.

The definition of employee in the leave sharing program's enabling legislation also includes employees of school districts and educational service districts. In practice, most school district and ESD employees are employed on nine-month contracts and do not receive vacation leave. Instead, these employees are entitled by law to "annual leave with compensation for illness, injury, and emergencies."

There are differences in interpretation about whether the Legislature intended the type of leave received by school district employees to be shared in the shared leave program. Although the leave is referred to as "annual leave" in statute, school district employees accrue and use this leave in much the same way state employees accrue and use sick leave, including cashing it out above a balance of 60 days. The shared leave program does not allow sharing of sick leave.

Fulltime faculty at state community colleges may be recipients but not donors under the shared leave program because they do not accrue annual leave. Instead these individuals accrue sick leave.

Summary: An employee of a community college, school district or educational service district who does not accrue annual leave, but does accrue sick leave, may participate in the shared leave program, provided the employee maintains a minimum balance of 60 days of sick leave. Donations of up to six days annually are permitted.

Votes on Final Passage:

Senate	44	0	
House	97	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: March 13, 1990

SSB 6453

C 134 L 90

By Committee on Financial Institutions & Insurance (originally sponsored by Senators Sellar and Barr)

Authorizing the supervisor of banking to examine agricultural lenders participating in loan guaranty programs.

Senate Committee on Financial Institutions & Insurance

House Committee on Financial Institutions & Insurance

House Committee on Appropriations

Background: Nondepository corporations created to lend money to agricultural borrowers are eligible for participation in the federal Farmers Home Administration (FmHA). To qualify for the FmHA loan guaranty program or other similar programs, the corporation must be regulated and examined by a state or federal regulatory agency in the same manner as financial institutions.

Participants in the FmHA loan guaranty program may issue agricultural loans that are guaranteed up to 90 percent by the FmHA. This guaranty increases the credit availability for agricultural real estate purchases, production expenses, and other related expenses. Currently, there is no regulatory structure in Washington for nondepository corporations wishing to qualify for the FmHA loan guaranty program.

Summary: The Legislature finds that nondepository agricultural lenders can enhance their access to working capital for financing agricultural borrowers by participating in the federal Farmers Home Administration (FmHA) loan guaranty program.

The Supervisor of Banking is authorized to regulate and examine agricultural lenders that are incorporated under Washington law and that are qualified to participate in a federal loan guaranty program.

To become an agricultural lender, an applicant must file for a license issued by the supervisor. An agricultural lender regulated by the supervisor must adhere to all federal statutes and regulations governing a loan guaranty program in which the lender participates. In addition, lenders must pay the supervisor's costs in regulating and examining the lender, and such fees shall be deposited into the banking examination fund.

Agricultural lenders must keep such financial records as required by the supervisor and must file an annual report with the supervisor. Lenders also must establish a loan loss reserve account for loans not guaranteed by a federal program. A lender must notify its members annually that investments in the lender are not insured, guaranteed, or protected by any federal or state agency.

The supervisor is required to approve the change in ownership of a lender, and to visit the agricultural lender to assure that the lender is in compliance with applicable statutes and regulations. The supervisor may accept audited financial statements in lieu of a full examination but must independently review loans

guaranteed by a loan guaranty program. The supervisor is authorized to: adopt all rules necessary to implement the act; issue cease and desist orders; impose fines; and seek judicial enforcement of the act.

The act is not mandatory for lenders who qualify for federal agricultural loan guaranty programs by other means.

The sum of $5,000 is appropriated from the general fund to the supervisor's examination fund for the regulatory purposes of this act.

Votes on Final Passage:

Senate	44	0
House	97	0

Effective: March 21, 1990

SSB 6463

C 7 L 90

By Committee on Higher Education (originally sponsored by Senators Saling, Rinehart, Smitherman, Bauer, Stratton, Talmadge and Johnson)

Granting a greater voice to students in recommending budgets for services and activities fees.

Senate Committee on Higher Education
House Committee on Higher Education

Background: Services and activities fees are statutorily defined to mean fees which are charged to all students and are used to fund student activities and programs. These fees are also dedicated to repaying bonds and other indebtedness for facilities such as dormitories, hospitals, infirmaries, dining halls, parking facilities, and student, faculty and employee housing.

Legislation enacted in 1980 gave students an assured role in proposing budgetary recommendations to their college or university administration for the expenditure of services and activities fees. The legislation required the creation of a services and activities fees committee, with the majority of members to be students chosen by the school's student government.

In 1986 the Legislature revised the services and activities fee budget process so that the students were given the responsibility for proposing initial budget recommendations to both the school administration and the governing board. Under these revised procedures, the services and activities fee committee submits its budget recommendations to the administration with informational copies provided to the governing board. If the administration responds with different recommendations, that response, together with supporting documentation, must be given to the committee and the board.

If the committee and the administration do not agree, they are to make a good faith effort to resolve disputes before submitting final recommendations to the governing board. The governing board makes the final decision on the adoption of the services and activities fee budget.

Student representatives from the state institutions of higher education maintain that since the funds for the services and activities fees budgets are provided by the mandatory student fee, the students should have a greater voice in the budget process for these funds.

Summary: It is the intent of the Legislature that students have a strong voice in recommending budgets for services and activities fees.

The guidelines established for the funding of programs supported by services and activities at state colleges and universities are changed as follows:

Students will be assured the opportunity to address the governing board before decisions on services and activities fees budgets are made. The services and activities fee committee members will have the opportunity to negotiate with the governing board before the board acts to fund, or increase the budget for, any item that is not contained in the budget recommended to the board by the services and activities fee committee.

The governing board shall give priority consideration to student desires in budget areas that do not impact the stability of programs affecting students, pre–existing contractual obligations, or bond covenants.

The services and activities fee committee has the responsibility for proposing program priorities and budget levels directly to the governing board, rather than through the college administration. The committee will also provide its recommendations to the college administration. The student membership of the committee must represent a broad spectrum of student interests and organizations. The committee must provide an opportunity for all viewpoints to be heard at a public hearing during its consideration of the funding of student programs.

The college administration will make proposed program priorities and budget level recommendations to the services and activities fee committee in a timely manner to allow for adequate review.

In the case of disputes between administration recommendations and the services and activities fee committee recommendations, the committee and the administration will meet in a good faith effort to resolve the dispute. Should the two parties be unable to resolve the dispute, a dispute resolution committee shall be formed within 14 days to meet in a good faith

effort to resolve the dispute. The dispute resolution committee will be made up of two nonvoting advisory representatives of the college administration, three voting members from the governing board, and three student representatives of the services and activities fee committee (all voting members). A fourth student representative of the services and activities fee committee shall be nonvoting and serve as chair of the dispute resolution committee. The dispute resolution committee will decide all disputes by vote. In the case of a tie the chair of the committee shall vote to decide the issue.

Disputes regarding subsequent transfers of budgeted services and activities fees shall be directed to a dispute resolution committee.

The governing board may take action on any parts of a services and activities fee budget not in dispute in accordance with customary budget time lines. The board shall consider the results of the dispute resolution committee and take final action on the budget.

Votes on Final Passage:

Senate	45	0
House	97	0

Effective: June 7, 1990

SB 6464

C 56 L 90

By Senators Patrick, Vognild, West, Rasmussen and Wojahn

Exempting law enforcement officers from commercial driver's license requirements.

Senate Committee on Transportation
House Committee on Transportation

Background: The Federal Commercial Motor Vehicle Safety Act of 1986 requires all commercial vehicle drivers to obtain a commercial driver's license by April 1, 1992. When the Washington Legislature enacted the federal statute in 1989, it provided for federally approved exemptions.

The current exemptions apply to drivers of farm vehicles, firefighters who have completed a training course, and a driver who is operating a recreational vehicle.

Summary: An exemption is provided for a law enforcement officer operating emergency equipment. Law enforcement officers must pass a driver's training course approved by the Department of Licensing.

A vehicle towing a horse trailer for noncommercial purposes is a recreational vehicle and qualifies for the recreational vehicle exemption under the Commercial Driver's License Program.

The provision that a farmer does not qualify for an exemption if he or she transports hazardous materials is removed from the Commercial Driver's License Program.

Votes on Final Passage:

Senate	46	0	
House	96	0	(House amended)
Senate	48	0	(Senate concurred)

Effective: June 7, 1990

SSB 6467

C 200 L 90

By Committee on Law & Justice (originally sponsored by Senators Talmadge, Nelson and Vognild)

Adding second degree arson as basis for first degree murder in certain cases.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: A person is guilty of first degree murder if he or she causes the death of another in the course of and in furtherance of knowingly and maliciously causing a fire or explosion: (1) which is manifestly dangerous to human life; (2) which damages a dwelling; (3) which damages a building in which there is a person who is not a party to the crime; or (4) on property valued at $10,000 with the intent to collect insurance proceeds.

"Building" includes a dwelling or structure used for lodging persons or carrying on business.

In 1989, the Washington Court of Appeals held that the death of a firefighter was not "in furtherance of" the arson and therefore the arsonist could not be convicted of felony murder.

Summary: A person who causes the death of another as the result of knowingly and maliciously causing a fire or explosion which damages any property is guilty of first degree murder. A death caused in the course of or in furtherance of the crime constitutes first degree murder.

Votes on Final Passage:

Senate	47	0
House	96	0

Effective: June 7, 1990

SB 6470

C 81 L 90

By Senators Williams, Lee and Rasmussen; by request of Department of Labor and Industries

Regarding construction lien laws.

Senate Committee on Economic Development & Labor
House Committee on Commerce & Labor

Background: Current law requires the Department of Labor and Industries to prepare a master document for use both by contractors and construction lenders which provides information to their customers and borrowers about the hazards of lien claims.

Current law seems to imply that one document is to serve both contractors and construction lenders. While much of the information would appropriately be the same, contractors and lenders feel that slightly different documents would be appropriate.

Summary: The Department of Labor and Industries is allowed to prepare more than one document to meet the needs of both contractors and lenders so that they in turn can provide information on lien claims to their customers.

Votes on Final Passage:

Senate	47	0
House	97	0

Effective: June 7, 1990

SSB 6473

C 22 L 90

By Committee on Law & Justice (originally sponsored by Senators Thorsness, Wojahn, McCaslin, Gaspard, Rasmussen and Lee; by request of Department of Corrections)

Changing conditions applying to the sale of products of correctional industries.

Senate Committee on Law & Justice
House Committee on Health Care

Background: Under current law, the products of state–run class II industries may only be sold to public agencies and nonprofit organizations.

It is suggested the existing statute be amended to allow the sale of class II industry products to private contractors when the end user is a public agency or nonprofit organization.

Summary: The products and services of class II correctional industries may be sold to private contractors when the goods purchased will ultimately be used by a public agency or a nonprofit corporation. The products and services must be reviewed by the Correctional Industries Board of Directors before offering such products and services for sale to private contractors. The board of directors is also required to conduct a yearly marketing review of the products and services offered by correctional industries. The review must include an analysis of the potential impact of the proposed products and services on the Washington State business community.

The Department of Corrections is authorized to donate clothing manufactured by a class II industry to any nonprofit organization that provides clothing free of charge to low–income persons.

In conducting its yearly marketing review of the products and services offered by correctional industries, the Correctional Industries Board of Directors is required to analyze the potential impact of the proposed products and services on the Washington state business community.

The Department of Corrections is required to study the expansion of prison industry products to the private sector and report to the Senate Law and Justice Committee and to the House of Representatives Health Care Committee by January 1, 1991.

Votes on Final Passage:

Senate	45	0	
House	97	0	(House amended)
Senate	48	0	(Senate concurred)

Effective: June 7, 1990

SSB 6474

C 189 L 90

By Committee on Financial Institutions & Insurance (originally sponsored by Senators Williams, von Reichbauer, Moore, Rinehart, Niemi, Talmadge and Murray)

Changing provisions relating to purchase and sale of property and policy decisions by certain public corporations.

Senate Committee on Financial Institutions & Insurance
House Committee on Local Government

Background: Counties, cities, and towns are authorized by state law to create public corporations. These corporations may be empowered to administer and execute federal grants or programs and to receive and administer private funds, goods or services for any

lawful public purpose, and basically perform any lawful public purpose or public function the county, city or town determines that the public corporation should perform. The public corporation so created has the authority among other things to own and sell real and personal property.

Several cities have established public corporations called preservation and development authorities (PDAs) to manage public and private funds for the preservation of historic properties. Several of the public corporations that manage historical properties have entered into agreements with investor groups to help finance their operations when public funding was inadequate. Involved in these agreements was a transfer of an interest in the property managed by the corporation.

Cities are authorized by law to establish and regulate public markets.

Public corporations that are PDAs have been established to perform many functions including the operation of public markets. A public market is not specifically defined in the law enabling cities to operate public markets or the law giving cities the power of eminent domain.

It has been suggested that before any interest in property is transferred by a public corporation, a public hearing should be required. It has also been suggested that a city should have the specific authority to exercise eminent domain powers over public markets managed by public corporations.

Summary: A city is required to impose deed restrictions that are necessary to ensure the continued use of any property transferred to a public corporation so that the property continues to be used for the public purpose for which it was transferred. A city, county or town creating a public corporation must require the corporation to give 30 days written notice of any proposed sale or encumbrance of any real property that was transferred to the corporation from the county, city or town. Notice must be sent to the chief executive and legislative body of the county, city or town, to each local newspaper of general circulation, and to each radio or television station that has filed a written request to be notified with the public corporation.

A public corporation may not sell or encumber any property that has been transferred to it by a city, county or town unless the sale or encumbrance has been approved by the governing body of the public corporation at a public meeting. The meeting is subject to the notice requirements for special meetings under the Open Public Meetings Act. The corporation must also advertise notice of a special meeting in a local newspaper of general circulation at least twice.

Added to the definition contained in the eminent domain statute is a definition of "public market." A public market is defined to include all real or personal property located in a district or area designated by a city as a "public market," that is traditionally devoted to providing farmers, crafts vendors, and other merchants retail space and is managed in whole or in part by a public corporation. A "public market" is not required to be exclusively or primarily used for traditional public market activities and may include areas used for other public purposes.

A first class city is given the power to establish a "public market" with the same definition in the eminent domain statute. A city or town's authority to acquire and operate public markets is expanded to include the public market definition added to the eminent domain statute.

Votes on Final Passage:

Senate	37	7	
House	93	4	(House amended)
Senate	37	7	(Senate concurred)

Effective: June 7, 1990

SSB 6493

C 145 L 90

By Committee on Children & Family Services (originally sponsored by Senators Patrick, Kreidler, Craswell, Stratton, Conner and Bailey)

Authorizing the appointment of confidential intermediaries in adoption searches.

Senate Committee on Children & Family Services
House Committee on Human Services

Background: Adoption experts are very familiar with the need expressed by many adoptees and birth parents to locate their biological families or children. Court procedures to facilitate this concept have been developed in 36 counties of the state through the use of confidential intermediaries. These intermediaries are trained by a nonprofit association to coordinate a meeting for the birth parents and child. There are approximately 1000 searches being conducted in Washington State.

Some birth parents report that they are unable to determine which county handled their relinquishment because they were never given an original birth certificate. The issuance of a noncertified copy of a birth certificate was recommended to eliminate misuse of a certified copy.

Summary: The confidential intermediary system is added to the adoption statutes. An adopted person over the age of 21, or under 21 with the permission of the adoptive parent(s) may petition the court to appoint a confidential intermediary. Similarly, a birth parent or member of the birth parent's family may petition for a confidential intermediary to assist them in locating the adopted person. Family members are limited to grandparents, aunts or uncles, or siblings unless otherwise approved by the court.

Confidential intermediaries must be trained by a licensed adoption service or another court–approved entity and must file an oath of confidentiality. Intermediaries shall be reimbursed for actual costs plus a reasonable fee by the person conducting the search.

In the case of a petition filed by a birth parent, the adoptive parents must give their approval for contact if the adoptee is under the age of 25 and still residing with the adoptive parent or is a dependent of the adoptive parent.

The Department of Social and Health Services, adoption agencies and independent adoption facilitators are permitted to release the name and location of the court where a relinquishment of parental rights or finalization of an adoption took place to an adult adoptee, birth parent, adoptive parent, or a grandparent or adult sibling of an adult adoptee.

Vital Records is directed to provide a noncertified copy of the original birth certificate of a child to the child's birth parent(s) upon request.

The provision to allow disclosure of nonidentifying information necessary for medical purposes is modified to allow this information to be provided without specifying the reason.

Votes on Final Passage:

Senate	31	14
House	92	4

Effective: June 7, 1990

SSB 6494

C 146 L 90

By Committee on Children & Family Services (originally sponsored by Senators Smith, Vognild, Bailey, Stratton and Conner)

Revising provisions for adoption.

Senate Committee on Children & Family Services
House Committee on Human Services

Background: During the 1989 interim, an adoption study committee studied the issues around adoption and reported their findings to the Legislature. The committee membership represented most of the major adoption agencies in the state as well as numerous independent adoption practitioners and persons involved with adoption on a personal or professional basis. Adoption issues considered by the Legislature during the past two years were reviewed along with other issues raised by members of the committee. Twenty–four recommendations for change in the law, administrative rule or professional practice were made.

There is currently no statutory requirement for a criminal background check to be done on prospective adoptive parents.

Although it is the only statutorily required check on the suitability of prospective adoptive parents, the pre–adoption home study is sometimes done by persons with no adoption related education or experience.

The Department of Social and Health Services has an on–going advisory committee for issues involving children. The study committee recommended that this group consider adoption issues and be expanded to include representation of persons involved in adoption.

Summary: Statutes regarding adoption were changed as follows:

Persons who are appointed by the courts to do pre–adoptive home studies must have a masters degree and one year of experience in adoption issues, a bachelors degree and two years of experience, or must be reviewed by the court to determine that they have done satisfactory home studies in the past, and should be "grandparented" into the law.

All pre–placement home studies of prospective adoptive parents must include a criminal background check provided by the Washington State Patrol Criminal Identification Network.

Before a birth parent signs a relinquishment of parental rights, he/she must sign a document stating that he/she has been advised of social and financial assistance which may be available in the community.

DSHS must report on the information compiled from the Adoption Data Cards filed at the time adoptions are finalized.

All adoption facilitators (agencies, attorneys or doctors) must provide to adoptive parent(s) written information on how to find and evaluate appropriate adoption therapists.

The DSHS Children's Services Advisory Committee is to include a member representing the adoption community and the committee is specifically named as advisor for the secretary regarding adoption related issues.

Counties are required to provide the name and telephone number of at least one person who is willing to

assist persons interested in doing an adoption records search.

The definition of birth parent was modified so that persons found guilty under 9A.42 RCW (criminal mistreatment) or 9A.44 RCW (sexual offenses) would not be allowed the privileges of birth parents.

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate			(Senate concurred in part)
House			(House receded in part)
House	97	0	
Senate	45	0	

Effective: June 7, 1990

SSB 6499

C 172 L 90

By Committee on Law & Justice (originally sponsored by Senators Nelson, Vognild, Newhouse, Rasmussen, Thorsness, Murray, Patrick, Bender, Rinehart, Bailey, Madsen and Bauer)

Authorizing a surcharge or district court filing fees to fund dispute resolution centers.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Procedures for creating and operating dispute resolution centers were enacted as part of the Court Improvement Act of 1984. The intention was to encourage the establishment and use of dispute resolution centers to help meet the need for alternatives to the courts for the resolution of certain disputes.

Dispute resolution centers are currently authorized to seek and accept contributions from counties and municipalities, federal and state agencies, private sources, and any other funds in order to sustain their operations.

Summary: A county legislative authority may impose a surcharge of up to $10 on each civil filing fee in district court, and a surcharge of up to $15 on each filing fee for small claims actions in order to fund dispute resolution centers established under the current statutory guidelines. The surcharge accounts must be audited by the State Auditor in accordance with current provisions that mandate the periodic examination of a taxing district's financial affairs.

Votes on Final Passage:

Senate	42	2	
House	58	39	(House amended)
Senate			(Senate concurred in part)
House			(House receded in part)
House	55	41	
Senate	42	2	

Effective: July 1, 1990

SB 6510

C 10 L 90

By Senators Benitz, Bluechel and Williams; by request of Utilities and Transportation Commission

Revising provisions for registration of telecommunication companies.

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities

Background: New telecommunications companies are required to register with the Washington Utilities and Transportation Commission (WUTC) before beginning operations. A company may then petition to have its services classified as competitive—a classification that involves less WUTC regulation. Currently, a company must be registered before it can petition to have its services classified as competitive. This requires two separate dockets to be maintained for what are usually routine proceedings.

Allowing a company to apply for registration and petition for competitive classification at the same time would streamline the process.

Summary: A telecommunications company may petition for competitive classification at the same time it applies for registration. The WUTC may rule on both requests in the same proceeding.

Votes on Final Passage:

Senate	46	0
House	97	0

Effective: June 7, 1990

SB 6514

C 15 L 90

By Senators Newhouse and McMullen; by request of Board of Industrial Insurance Appeals

Revising provisions for attorney's fees before the department of labor and industries and the board of industrial insurance appeals.

Senate Committee on Economic Development & Labor
House Committee on Commerce & Labor

Background: The industrial insurance law limits the amount an attorney may charge a claimant for services before the Department of Labor and Industries to a reasonable fee of not more than 30 percent of the increase in the award secured by the attorney's services. The amount of the fee may be set by the Director of Labor and Industries. A request to set the fee must be made prior to the notice of an appeal to the Board of Industrial Insurance Appeals.

For legal services performed while the claim is within the jurisdiction of the Board of Industrial Insurance Appeals, a request for setting attorneys' fees must be made to the board. Although no time limit is specified in statute, under the board's rules the request for a fee determination must be made within one year after a final order or decision.

Summary: A written application to the Department of Labor and Industries requesting a determination of attorneys' fees in an industrial insurance case must be made within one year from the date the department's final decision and order is communicated to the applicant.

The application requesting a determination of attorneys' fees with the Board of Industrial Insurance Appeals must be made within one year from the date the board's final decision and order is communicated to the applicant.

Votes on Final Passage:

Senate	46	0
House	97	0

Effective: June 7, 1990

SB 6520

C 173 L 90

By Senators Lee, Talmadge, Anderson, Sutherland, Patrick, Thorsness, Barr, McMullen, Williams and Bauer

Giving the department of health responsibility for matters relating to nonionizing radiation.

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities
House Committee on Appropriations

Background: The Office of Radiation Protection within the Department of Health is the state agency primarily responsible for regulating and tracking issues related to ionizing radiation.

Presently no state agency has specific authority to follow issues relating to non-ionizing radiation. Sources of non-ionizing radiation include electric power lines, electric blankets, ultrasound equipment and laser lights.

There is some evidence that exposure to certain levels of non-ionizing radiation may cause health effects.

Summary: The Office of Radiation Protection is designated as the lead state agency responsible for following the issues surrounding non-ionizing radiation. The Office of Radiation Protection is directed to: concentrate on issues surrounding electric and magnetic fields; serve as a state clearinghouse for information on this topic; maintain current information on studies pertaining to the health effects of non-ionizing radiation; and to periodically inform other state agencies regarding this topic.

Votes on Final Passage:

Senate	47	0
House	92	5

Effective: June 7, 1990

SB 6528

C 112 L 90

By Senator Patterson

Revising vessel pilots' license qualifications.

Senate Committee on Transportation
House Committee on Transportation

Background: Under the state Pilotage Act, an individual applying for a license to pilot vessels in state waters must first hold, as a minimum, a United States Coast Guard master's license. Current state law, however, is not consistent with 1989 changes in federal pilotage licensing requirements.

Summary: State pilotage licensing requirements are changed to reflect current federal standards. An applicant for a state pilot's license is no longer required to hold a U.S. Coast Guard license as a master of freight and towing vessels of not more than 1,000 gross tons. The requirement is changed and such an applicant must now hold a federal license as a master of ocean or near coastal steam or inland steam motor vessels of not more than 1,600 gross tons.

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate	42	0	(Senate concurred)

Effective: June 7, 1990

SSB 6531

C 5 L 90

By Committee on Transportation (originally sponsored by Senator Patterson)

Authorizing port districts to spend money on road improvements.

Senate Committee on Transportation
House Committee on Local Government

Background: Port districts are authorized to make road improvements within the port properties. It is unclear whether a port district may expend funds beyond its port properties to maintain local or state roadways.

Summary: Port districts are authorized to expend port funds on constructing, improving or repairing streets, roads or highways serving port facilities. Funds may be expended by the port commission in conjunction with any plan of improvements undertaken by the state of Washington, an adjoining state, or a county or municipal government regardless whether such roadways are located within Washington or an adjoining state.

Votes on Final Passage:

Senate	45	0
House	97	0

Effective: June 7, 1990

SB 6533

FULL VETO

By Senators Owen, Craswell, Bauer, Gaspard, Bailey and Stratton

Changing provisions relating to school suspension.

Senate Committee on Education
House Committee on Education

Background: The State Board of Education has adopted rules regarding short-term and long-term suspension of students. These rules are to ensure due process for students. Local school district boards of directors also adopt codes of conduct for students.

Summary: A school district may reduce the length of a student's suspension if the student undergoes counseling or other treatment services.

This does not obligate the school district to pay for counseling or treatment services.

Votes on Final Passage:

Senate	45	0
House	97	0

FULL VETO: (See VETO MESSAGE)

SB 6535

C 50 L 90

By Senators Lee and Smitherman

Revising provisions for private activity bond allocation ceilings.

Senate Committee on Economic Development & Labor
House Committee on Capital Facilities & Financing

Background: The federal Tax Reform Act of 1986 placed limits on the volume of tax-exempt bonds that may be issued in any state for private activity. Private activity includes bonds to finance industrial development, housing, student loans and public facilities with significant private participation. The private activity bond ceiling is based on a dollar amount per state population.

The Department of Community Development has the responsibility for administering the state's private activity bond ceiling. To assist the department in allocating the bond ceiling among the various competing users of bonds, a distribution formula was set in state law: housing (25 percent); student loans (15 percent); exempt facilities (20 percent); public utility (10 percent); small issues (25 percent); and remainder and redevelopment (5 percent).

Industrial revenue bonds (IDB's) fall within the small issue category and have a maximum $10 million limit per any one project. As a result of the federal government's Budget Reconciliation Act of 1989, the scheduled sunset of tax exempt industrial development financing was extended through September 30, 1990. If small issues are discontinued after their sunset date, the current distribution formula must be modified.

Summary: The bond reserve amounts for 1989 are extended indefinitely as long as federal law permits tax exempt industrial development financing. If federal law does not permit tax exempt industrial development financing, then the small issue reserve is reduced to zero and the reserve from this category is redistributed with 10 percent added to housing and 15 percent added to exempt facilities.

Votes on Final Passage:

Senate	47	0
House	96	0

Effective: June 7, 1990

2SSB 6537

C 284 L 90

By Committee on Ways & Means (originally sponsored by Senators Smith, Stratton, Vognild, Bailey, Craswell and Rasmussen)

Providing for foster care reform and making appropriations.

Senate Committee on Children & Family Services and Committee on Ways & Means
House Committee on Human Services
House Committee on Appropriations

Background: Many open cases pertaining to the termination of parental rights currently exist. These cases remain open due to an insufficient number of attorneys general and public defenders.

A review hearing is held six months after a child has been found to be dependent and a disposition order has been entered by the court. At that time a judge can order a petition for termination of parental rights be filed.

Six allegations must be established by clear, cogent, and convincing evidence before a judge will order that parental rights be terminated. One of the allegations that must be established is that the child has been removed from the custody of the parent for at least six months. Establishment of this allegation may be waived by the court if the other five allegations are proven beyond a reasonable doubt.

There have been disturbing reports from parents whose children were removed from their homes by Department of Social and Health Services' Child Protective Services workers. The parents report that they were provided almost no information on the status of their children or how to proceed to regain custody. Most children removed from their homes are placed in foster care.

The Governor established a Task Force on Foster Care to review the foster care delivery system and department policies. The report included 20 recommendations regarding the foster care delivery system.

The United States Congress published a report by the United States General Accounting Office, "Foster Parents Recruiting and Preservice Training Practices Need Evaluation," that has many recommendations concerning training, teamwork, reimbursement rates, respite care, and recruitment.

Experts believe foster parents should be assisted in developing their ability to care for more difficult children with emotional and physical handicaps.

Experts also believe preservice and continuing training of foster parents is key to creating a stable and high quality foster care system. Quality assurance can also be enhanced through an on–site monitoring program which is designed to identify problems and obstacles to better care.

Summary: After the dependency of a child has been established, the court will hold a disposition hearing and may require that a petition for termination of parental rights be filed, if it is recommended by the supervising agency and is in the best interests of the child. The court must find that aggravated circumstances exist and is provided with a list of conditions to consider in making that determination. At the disposition hearing, the agency charged with the child's care is required to provide the court with a permanent plan of care which may include adoption, guardianship, return of the child to the home of the parents, or placement in the home of a relative or in foster care with a long–term, written agreement.

At the disposition hearing, the judge need not consider whether the child is willing to reside in the custody of the child's parent, guardian, or legal custodian in determining the need for an out–of–home placement.

At the hearing regarding the issue of termination of parental rights, a court may waive the need to prove reasonable services were provided to correct the parental deficiencies. The court may waive this only if the four other allegations described in the statute are established beyond a reasonable doubt. The court is provided with a list of conditions for which this waiver may be appropriate.

Any notice of appeal or notice for discretionary review, related to a proceeding concerning dependency of a child or termination of a parent and child relationship, must be signed by the person seeking the review or the person's guardian–ad–litem. A sworn, written declaration by the person's attorney stating that the person has requested the attorney to file the notice and pursue appellate review is also acceptable.

The Department of Social and Health Services (DSHS) is required to offer mandatory preservice training for licensed foster parent applicants. DSHS must monitor a minimum of 10 percent of licensed family foster homes.

DSHS shall contract for a comprehensive evaluation of protective services, child welfare services, and foster care programs on an ongoing basis. DSHS is to develop a respite care program for foster parents who care for special needs children.

Whenever a child is placed in out–of–home care by DSHS or by an agency, DSHS and the agency may

share information about the child with the care provider. Confidentiality provisions are included.

To provide stability for the child, DSHS is instructed, within certain limitations, to consider the initial placement of the child as the only placement. To minimize disruption, DSHS must, within certain limitations, notify the foster family at least five days prior to the planned removal of the child from the foster home.

Additional training must be offered to foster parents who are willing to care for children with emotional, mental or physical handicaps.

DSHS is required to consider the wishes of the natural parent regarding family constellation, ethnicity and religion when placing a child in foster care.

DSHS is required to hire an administrator for a statewide recruitment program for foster care and adoptive homes. Expansion of the foster adopt program is mandated statewide. DSHS is required to assist foster and adoptive agencies with printing of materials. A report to the Legislature on why foster parents leave the program is required by December 1991.

DSHS is required to establish a statewide program to manage health services for children in foster care. This program is to include strategies for reimbursement using prospective payment or capitation methods.

Liability settlements or judgments against foster parents are included within the state treasury liability account.

If appropriate, foster parents may be involved in the reunification of the child with his or her family.

The section requiring a comprehensive evaluation of child protective services, child welfare services and foster care programs does not take effect due to lack of funding in the operating budget. In addition, the managed health program and liability settlement sections are null and void because no funds were provided in the operating budget.

Votes on Final Passage:

Senate	48	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
Free Conference Committee			
House	94	0	
Senate	46	0	

Effective: July 1, 1990

SB 6549

C 16 L 90

By Senators Smith, Sutherland and Bauer

Changing the term "salary" to "compensation" for public utility district employees.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: The "salary" of a public utility district manager is fixed by a public utility district commission. The State Auditor defines salary very strictly and has issued notice that PUD commissions only have the authority to grant a salary to their managers. Some PUDs would like the flexibility to provide their managers and employees a contemporary compensation package which might include items such as auto allowances, residential allowances and other benefits in addition to salary.

Summary: The term "compensation" is substituted for the term "salary" in public utility district law regarding the salaries of managers and employees.

Votes on Final Passage:

Senate	44	1
House	97	0

Effective: June 7, 1990

SB 6558

C 9 L 90

By Senators Conner, Thorsness, McMullen and Sellar; by request of Department of Licensing

Allowing the department of licensing to waive the driving examination for certain driver's license applicants.

Senate Committee on Transportation
House Committee on Transportation

Background: Current statute prohibits the Department of Licensing from issuing a new or renewal driver's license without a driver's examination. The same statute provides the department with broad authority to waive all or any part of the examination for a person who is otherwise qualified to be licensed.

Washington and Florida are the only two states that require a driver's license examination for a new resident who surrenders a valid driver's license issued by the person's previous home state.

Summary: The Department of Licensing may waive the driver's examination of a person who surrenders a

valid driver's license issued by the person's previous home state.

Votes on Final Passage:

Senate	46	0
House	93	4

Effective: June 7, 1990

SB 6559

C 136 L 90

By Senators Sellar, Kreidler and Metcalf; by request of Parks and Recreation Commission

Requiring reimbursement for state parks and recreation commission costs of plan review and construction approval for winter recreational facilities.

Senate Committee on Environment & Natural Resources
House Committee on Natural Resources & Parks

Background: The State Parks and Recreation Commission is charged with insuring the safety of winter recreation devices, such as ski lifts. The commission hires professional engineering consultants to review plans and specifications and conduct field inspections.

The costs for the annual and operation inspections are paid by the recreational facility owner/operator to the commission. Statutory authority allows the commission to reimburse the consultants for the inspection services but not for the plan reviews.

Summary: Consultant costs for plan review may be included in the charges by the commission to the owner/operator.

The commission is not liable for unintentional injuries to users of lands administered under the winter recreation program, whether the lands are administered by the commission, other public agencies, or private landowners through agreement with the commission.

The commission may be held liable for injuries a user received by a known dangerous artificial latent condition for which no warning signs are posted. A snow covered road, groomed for the purpose of winter recreation, shall not be presumed to be a known dangerous artificial latent condition.

Votes on Final Passage:

Senate	45	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate	46	0	(Senate concurred)

Effective: June 7, 1990

SSB 6560

C 238 L 90

By Committee on Transportation (originally sponsored by Senators Nelson, Madsen and Rasmussen; by request of Department of Licensing)

Strengthening odometer disclosure requirements.

Senate Committee on Transportation
House Committee on Transportation

Background: State law requires that the odometer reading be written on the application for certificate of title at the time of sale. The odometer reading is recorded and maintained on the Department of Licensing microfiche files for reference. The odometer reading is not displayed upon the title certificate.

In late 1986 Congress enacted a federal odometer act, known as the "Truth in Mileage Act." It mandates that the odometer reading be displayed upon the title of all vehicles. Upon the transfer of ownership, the transferee must submit an odometer disclosure from the seller to the state for vehicle registration. Additionally, the federal act requires the title to be present at the time of sale.

The federal civil penalty for odometer tampering violations is raised from $1,000 to $3,000 per violation, and the criminal penalties are raised from a maximum of one year to three years in jail.

Summary: Every application for title shall contain an odometer reading. After April 30, 1990 all registration and titles issued by the department will reflect the odometer reading.

An odometer disclosure statement must be provided: (1) by the owner when a vehicle is transferred; (2) to fleet vehicle purchasers at the beginning and end of a lease; (3) by a dealer on assignment of title when transferring or selling a vehicle.

A transferee of a vehicle must apply for title within 15 days of vehicle delivery. A dealer must apply on behalf of a new owner, sending assignment of title to the department. If the previous owner failed to record the mileage on the title, a dealer must attach an odometer disclosure statement attesting to the odometer reading as it appeared when the vehicle was obtained.

An increase of 25 cents per title application is provided for, to cover the costs of the new program.

Votes on Final Passage:

Senate	46	0	
House	96	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: May 1, 1990

SB 6562

C 186 L 90

By Senators Craswell, Smitherman, Owen and Kreidler

Creating additional superior court positions in Kitsap and Thurston counties.

Senate Committee on Law & Justice and Committee on Ways & Means
House Committee on Judiciary
House Committee on Appropriations

Background: By statute, the state Legislature determines the number of superior court judges in each county. Currently, Thurston County is authorized five judges and Kitsap County is authorized five judges.

Periodically, the office of the Administrator for the Courts conducts a "weighted caseload" study of the superior courts in the counties. The most recent study indicates Kitsap County has a need for 6. 75superior court judicial positions and Thurston County a need for 7.15 positions.

Retirement system benefits and one–half of the salary of a superior court judge are paid by the state. The other half of the judge's salary and all other costs associated with a judicial position, such as capital and support staff costs, are borne by the county. A statute also requires that the county hire a court reporter for each superior court judge.

Summary: The number of superior court judges in Kitsap County is increased from five to seven and the number in Thurston County is increased to six. One of the new positions for Kitsap County and the position for Thurston County are effective July 1, 1990. The second position for Kitsap County takes effect no later than December 30, 1994.

The creation of the new positions is dependent on the county legislative authority accepting the responsibility of paying for the county's share of the costs of the positions.

The new judicial positions are exempt from the requirement that a court reporter be hired for each judge.

Votes on Final Passage:

Senate	45	0	
House	97	0	(House amended)
Senate	48	0	(Senate concurred)

Effective: June 7, 1990

SB 6564

C 130 L 90

By Senators von Reichbauer, McMullen and Johnson

Removing the pooling of funds by commercial fishers from the definition of insurer under the insurance code.

Senate Committee on Financial Institutions & Insurance
House Committee on Financial Institutions & Insurance

Background: Under present state insurance laws, every person engaged in the business of making contracts of insurance, with certain exceptions, is considered an "insurer." An "insurer" must be authorized by the Commissioner of Insurance, and comply with the state insurance laws.

Summary: Two or more persons engaged in the business of commercial fishing are not considered "insurers" when: (1) these persons enter into an arrangement to pool funds to pay claims or losses arising out of loss or damage to a vessel or machinery used in the business of commercial fishing; and (2) the vessel or machinery which is lost or damaged is owned by a member of the pool.

Votes on Final Passage:

Senate	45	0
House	97	0

Effective: June 7, 1990

SB 6571

C 183 L 90

By Senators Newhouse and Rinehart

Revising provisions for interpreters in legal proceedings.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: The presiding officer must appoint a certified or qualified interpreter to assist a non–English–speaking person in a legal proceeding. Beginning on July 1, 1990, when a non–English–speaking person is

compelled to appear in a legal proceeding, the presiding officer shall only use the services of an interpreter who has been certified by the Office of the Administrator for the Courts unless good cause is found.

The language proposed for this legislation was inadvertently omitted from the 1989 legislation regarding court interpreters (SSB 5474/89, codified as RCW 2.42.220).

Summary: The presiding officer is required to appoint a qualified interpreter when a non-English-speaking person is involved in a legal proceeding.

Statutes governing interpreters for non-English-speaking persons are recodified.

Votes on Final Passage:

Senate	44	0	
House	95	0	(House amended)
Senate	39	0	(Senate concurred)

Effective: June 7, 1990

SSB 6572

C 11 L 90

By Committee on Energy & Utilities (originally sponsored by Senators Benitz, Williams, Patrick, Stratton and Sutherland)

Revising provisions on fraud in obtaining telecommunications services.

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities

Background: The unauthorized use of telephone credit cards and access devices has increased rapidly in recent years. In some parts of the country stolen telephone credit card numbers are sold on the street or advertised for sale in magazines or on computer bulletin boards. Increasingly sophisticated electronic devices are being used to gain improper access to long-distance telephone lines. These and other practices have resulted in businesses or individuals being charged for thousands of dollars of unauthorized telephone services.

The long-distance telephone companies have formed a national task force to investigate this problem and to review existing state laws governing telephone fraud. They have developed a model statute to address what they view as the major types of fraud, including the use of state-of-the art electronics.

This state's laws regarding telephone fraud are currently scattered through various provisions in the criminal code, and do not specifically address the use of new technological means to fraudulently obtain phone service. There is no express authority for a telephone company, prosecuting attorney, or any other person to file a civil action and obtain an injunction against a person believed to be fraudulently obtaining telephone service.

Summary: Existing criminal provisions regarding telephone fraud are recodified into one chapter of Title 9 RCW. "Credit card number," "publish," "telecommunications device," "computer," and "computer trespass" are defined. Fraudulently obtaining telephone service by the physical or electronic installation of, rearrangement of, or tampering with any equipment, or by the commission of computer trespass is a crime. The sale, rental, lending, giving, or advertising of a credit card number or coding with the intent, knowledge or reason to believe it will be used to avoid payment of any lawful charge is a gross misdemeanor.

Telephone companies, prosecuting attorneys, or any aggrieved party may file a civil action against a person who is engaged in or about to be engaged in a violation of the foregoing criminal statutes, and may obtain temporary and permanent orders restraining the person from committing the acts.

The court may order the sheriff to seize and retain any device used in violation of the act. Such seized property is forfeited or is returned if the court finds lack of intent to violate the law or lack of gross negligence, or other mitigating circumstances. The court may, upon a proper showing, order the telephone company to disconnect the service of a person found to be using a telecommunications device in violation of this act.

Votes on Final Passage:

Senate	45	0
House	97	0

Effective: June 7, 1990

SSB 6573

C 12 L 90

By Committee on Energy & Utilities (originally sponsored by Senators Benitz, Williams, Patrick and Stratton)

Revising the administration of the energy facility site evaluation council.

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities

Background: The Energy Facility Site Evaluation Council (EFSEC) was created in 1970 as the principal state agency responsible for reviewing and approving

applications for the siting of major new energy plants and transmission lines within the state. The agency was directed to assure that the state was provided with adequate energy sources with proper safeguards for the environment and the welfare of the people. Since its creation, EFSEC has played a major role in decisions on location and operation of nuclear plants constructed by the Washington Public Power Supply System, a proposed coal–fired plant in Creston, and two proposed cross–state transmission lines. In recent years there has not been any such major construction proposed, and the agency's focus has been on monitoring existing sites and testing emergency response capabilities.

Summary: The Washington State Energy Office (WSEO) is to provide all administrative and staff support to EFSEC. The property, personnel of, and appropriations to, EFSEC pertaining to its administration and support are transferred to WSEO. Authorization for a salary for the Chairman of EFSEC is eliminated. Members of EFSEC are authorized to receive travel and lodging, per diem expenses, and compensation for each meeting attended. The powers of EFSEC are expanded to include serving as an interagency coordinating body for energy–related issues.

Votes on Final Passage:

Senate	39	0
House	97	0

Effective: July 1, 1990

SB 6574

PARTIAL VETO

C 167 L 90

By Senators Lee, Smitherman, West, McCaslin, Murray, Williams, Amondson and Anderson

Changing the definition of housing under the Washington state housing finance commission.

Senate Committee on Economic Development & Labor
House Committee on Housing
House Committee on Capital Facilities & Financing

Background: The Washington State Housing Finance Commission assists in the financing of low and moderate income housing through a variety of programs including the issuance of tax exempt bonds. The program of the commission is limited to traditional residential dwellings rather than any type of special needs housing.

The federal government, through the Internal Revenue Code, gives state and local governmental units the authority to issue tax–exempt bonds to finance activities of nonprofit corporations. The federal government requires the nonprofit corporation to be exempt from federal income taxation as a charitable organization under the Internal Revenue Code.

Summary: The definition of "housing" in the Housing Finance Commission's enabling statute is amended to expressly include nursing homes licensed under Chapter 18.51 RCW.

With this change, the commission could provide assistance in the development of licensed nursing homes.

The Housing Finance Commission is authorized to enter into a variety of financing arrangements with nonprofit corporations in furtherance of activities which are educational, charitable and literary, within the meaning of section 501(c)(3) of the Internal Revenue Code. These financing arrangements include the issuance of tax exempt nonrecourse revenue bonds. The Housing Finance Commission is designated as the sole issuer of revenue bonds for facilities owned and operated by nonprofit corporations, except the Health Care Facilities Authority and the Higher Education Facilities Authority. The principal and interest payments on the bonds come solely from the revenues of the nonprofit facility being financed and are not an obligation of the commission or the state. Such bonds may be secured by a trust agreement between the commission and a corporate trustee, such as any trust company or bank having the powers of a trust company. Financing agreements between the commission and a nonprofit corporation may provide for foreclosure of the nonprofit facility being financed in the event of a default on the agreement.

Votes on Final Passage:

Senate	45	0	
House	97	0	(House amended)
Senate	40	1	(Senate concurred)

Effective: June 7, 1990

Partial Veto Summary: Section 9 is vetoed to insure the continued authority of local housing authorities to issue tax–exempt bonds for the construction of low–income housing. Section 9, unlike section 6, gives the Housing Finance Commission exclusive authority to issue these bonds without recognizing the existing authority of local housing authorities. (See VETO MESSAGE)

SSB 6575

C 82 L 90

By Committee on Energy & Utilities (originally sponsored by Senators Benitz and Williams; by request of Department of Ecology)

Revising liability requirements for nuclear operations.

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities

Background: Legislation enacted in 1986 requires firms with state licenses or permits for packaging, shipping, transporting, treating, storing, or disposing of commercial low-level nuclear materials to bear the risk of potential injury or damage by (1) holding the state harmless from injuries or damage, and (2) maintaining liability insurance in an amount to be determined by the Department of Ecology by December 1, 1987. Persons applying for such licenses or permits must demonstrate compliance with the insurance requirements. Both the Department of Ecology and the Department of Health are required to suspend the license or permit of any person that fails to demonstrate compliance, and not reinstate it until insurance is obtained. The department is directed to require the maximum amount of liability coverage available from private sources.

After a number of studies and reports, the Department of Ecology has concluded that no additional liability coverage should be required at this time because (1) existing coverage is adequate under general liability policies, (2) coverage is already required in sufficient amounts under other regulatory authority (e.g., federal Motor Carrier Act), (3) available insurance is costly and economically unfeasible for small companies, and (4) the risk to the state from accidents is small. Based on these conclusions, it is felt that the mandatory nature of the existing language should be modified to require additional liability insurance for the state's licensees and permittees only when future studies indicate a need for it. The law requires such studies and a report by Ecology to the Legislature every five years.

Summary: The Director of Ecology and the Secretary of Health are separately responsible for determining (1) the appropriate amount of liability coverage that they may require to be maintained by their respective permittees or licensees, and (2) whether to exempt from such requirements any class of, or individual, permittees or licensees where such an exemption will pose neither a significant risk to persons or property nor a substantial financial risk to the state. All licensees or permittees must indemnify and hold the state harmless from any claims or damages arising out of their authorized activities. The Departments of Ecology and Health are to study and report to the Energy and Utilities Committees of both houses of the Legislature no later than December 1, 1990, on methods by which licensees and permittees who are otherwise unable to obtain liability coverage may obtain such coverage.

Votes on Final Passage:

Senate	40	0	
House	97	0	(House amended)
Senate	38	0	(Senate concurred)

Effective: June 7, 1990

SB 6576

C 20 L 90

By Senator Metcalf

Making changes regarding harvesting of wild mushrooms.

Senate Committee on Environment & Natural Resources
House Committee on Natural Resources & Parks

Background: The Department of Agriculture administers the wild mushroom harvesting program for the state of Washington. Administration has proved difficult because the word "processor" rather than the word "dealer" is used in the statute. Wild mushroom buyers do not process the product in any way, but act in a dealer capacity.

The Wild Mushroom Harvesting and Processing Act created a licensing program for the commercial mushroom industry. The information on commercial harvesting obtained through the licensing procedure provides data on the quantity of wild mushrooms harvested each season. When the act was originally passed commercial mushroom processing involved three distinct components. There was a mushroom harvester, the person who picked the mushrooms; a mushroom buyer, who bought the mushrooms from a mushroom picker; and there was a mushroom processor, who sorted and brined the mushrooms.

Since enactment of the Wild Mushroom Harvesting and Processing Act, the procedure involved in the processing of mushrooms has changed. Buyers now sell to individuals who sell the product overseas in fresh form. Processing consists of repackaging the product rather than washing, sorting and brining.

Summary: The term "processor" is eliminated from the statute and the word "dealer" is put in its place. The

definitions of "mushroom buyer," "mushroom dealer" and "mushroom harvester" are clarified.

Votes on Final Passage:

Senate	45	0
House	97	0

Effective: June 7, 1990

SB 6577

C 127 L 90

By Senators Metcalf, Kreidler and Benitz

Extending the termination date for the committee for recycling markets.

Senate Committee on Environment & Natural Resources
House Committee on Environmental Affairs

Background: A comprehensive solid waste management program was established by the Legislature in 1989. The legislation prioritized the collection, handling, and management of solid waste in this order: waste reduction; source separated recycling; energy recovery, incineration, or landfilling of source separated materials; and finally, energy recovery, incineration or landfill of mixed waste.

Recycling plans have been established by each county and city statewide, in order to meet the goal of recycling 50 percent of the state's solid waste by 1995. In order to accomplish this goal, markets for recyclables need to be established to increase the demand for products manufactured with recycled materials.

The Department of Trade and Economic Development has responsibility for developing existing recycling markets, and has established the Committee for Recycling Markets to develop recommendations on how to achieve improved markets. The committee is comprised of private and public interests including citizen groups, recycling businesses, solid waste collectors, manufacturers, and state agencies.

The committee first met in August, 1989, and provided its preliminary report to the Legislature in January, 1990. Its final report is due on or before November 30, 1990, whereupon its duties will be terminated.

Summary: The Committee for Recycling Markets shall endeavor to ensure that state funds are matched by private funds or in-kind services when entering into contracts to assist in its responsibilities. The committee shall continue its duties until June 30, 1991.

Votes on Final Passage:

Senate	46	0	
House	96	1	(House amended)
Senate	40	0	(Senate concurred)

Effective: June 7, 1990

SB 6583

C 157 L 90

By Senators McDonald, Metcalf, Sutherland, Barr, Amondson, Benitz, Warnke and Johnson

Changing provisions relating to air pollution control authorities.

Senate Committee on Environment & Natural Resources
House Committee on Environmental Affairs
House Committee on Revenue

Background: Persons who violate the Washington Clean Air Act, or any rules and regulations of the Department of Ecology or the board of directors of any air pollution control agency ("authority") shall incur a civil penalty in an amount not to exceed $1,000 per day for each violation.

In addition, a person is subject to a fine of up to $5,000. The fine is levied by the Director of the Department of Ecology, if requested by the authority and if it is determined that the penalty is needed for effective enforcement of the Washington Clean Air Act. If the violation is by a specific emissions unit, the maximum daily fine is $5,000.

A reimbursement procedure gives cities, towns, and counties within the authority 50 percent of the fines collected on a pro rata basis.

Revenues are collected from sources of air pollution for services rendered by local air authorities. During any fiscal year, revenues collected cannot exceed 50 percent of the supplemental (per capita) income paid by the component cities, towns, and counties to operate the authority.

Washington's Clean Air Act includes provisions which regulate the use of wood stoves and fireplaces. Regulatory provisions curtail wood stove emissions during periods of poor (impaired) air quality. A civil penalty of up to $1,000 is imposed against violators. Liability for violations by residents in condominiums, and in associations formed by other multi-family dwellings are not specifically addressed by current law.

Summary: All fines recovered by the Department of Ecology are paid into the state treasury and credited to the general fund or, if recovered by the authority,

are retained and paid into the authority's treasury and credited to its funds.

There is no limitation on the revenues collected from sources of air pollution for services rendered by local air authorities during any fiscal year.

Condominium owners' associations and associations formed by multi-family dwellings are not liable when one of their residents uses an uncertified wood stove or fireplace during periods of impaired air quality. The owners' associations shall cooperate with local air pollution control authorities to acquaint residents with the burning restrictions.

Votes on Final Passage:

Senate	40	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House	92	2	(House receded)

Effective: June 7, 1990

SB 6588

C 152 L 90

By Senator Nelson

Defining when a live performance may be a moral nuisance.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: A person is subject to civil sanctions and criminal penalties for maintaining a moral nuisance. An example of a moral nuisance is a place where lewd or pornographic films are publicly exhibited.

There is no explicit prohibition in the moral nuisance statute against lewd live performances.

Summary: Lewd live performances are subject to the sanctions and penalties of the moral nuisance statutes.

Votes on Final Passage:

Senate	47	0
House	96	1

Effective: June 7, 1990

SSB 6589

C 76 L 90

By Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Moore and Johnson)

Changing provisions relating to which county a title insurer may do business.

Senate Committee on Financial Institutions & Insurance
House Committee on Financial Institutions & Insurance

Background: Currently, a title insurer can obtain a certificate of authority from the Insurance Commissioner if certain statutory criteria are met. These criteria include a requirement that a title insurer must own and maintain a complete set of tract indexes of the county in which its principal office in Washington is located. In addition, a title insurer must maintain a proscribed deposit in a guaranty fund.

A title insurer may do business in two or more counties if certain guaranty fund deposit requirements are maintained. Moreover, the title insurer must own and maintain, or have a duly authorized agent that owns and maintains, a complete set of tract indexes for the additional counties where the insurer transacts business.

Summary: A title insurer may transact business in a county where the insurer purchases a title policy from another title insurer authorized to transact business in that county. The purchasing title insurer shall purchase the full amount of insurance to be ultimately insured under the title policy.

The purchasing title insurer must pay the full charge for the policy and must charge the same amount to its own customer. The purchasing title insurer may combine the purchased insurance in a single policy that insures the title of one or more other pieces of property.

A title insurer purchasing a policy under this section is required to notify its customer of this transaction.

Votes on Final Passage:

Senate	45	0
House	97	0

Effective: June 7, 1990

SSB 6594

C 8 L 90

By Committee on Ways & Means (originally sponsored by Senators Johnson, Saling, Moore, Niemi, Nelson, Bauer, Rasmussen, Patrick and Smith; by request of Joint Committee on Pension Policy)

Changing provisions relating to the department of retirement systems.

Senate Committee on Ways & Means
House Committee on Appropriations

Background: Four problem areas exist within the administration of state run retirement systems:

First, there are no provisions in current law requiring the Department of Retirement Systems (DRS) to apprise a member of the amount of service credit earned. This has caused problems because the amount of service credit that a member thinks he or she has and the amount that the member actually has credited are sometimes different.

Second, DRS currently has statutory authority to assess participating employers with an expense fund contribution. It does not, however, have a mechanism to assess a fee to employers commensurate with the additional administrative expenses caused when those employers submit delinquent or inaccurate reports.

Third, an annual expense fund fee of $2.50 is assessed against the contributions of members of the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) and the Public Employees Retirement System Plan I (PERS I), but not against the members of other state run retirement systems. The assessment does not represent additional revenue to the expense fund but is instead a transfer from the trust fund to the expense fund. This transfer of funds generates administrative costs that do not result in a benefit to the member or to the system.

Finally, there are no provisions regulating the ending dates of K–12 school administrator contracts, or prohibiting retroactive revisions of those contracts. This lack of regulation has led to some abuses of the system by administrators who alter the ending date of, or retroactively revise, their contracts in their final year of service. This inflates the administrator's average final compensation, thereby increasing his or her monthly pension.

Summary: The Department of Retirement Systems (DRS) is required to annually notify each member of each retirement system of the member's yearly accrual of service credit. DRS is required to annually notify members of the retirement systems of their total service beginning October, 1993.

DRS is authorized to assess an additional fee to employers who submit late or inaccurate data. DRS is to adopt rules implementing a system where it reviews an employer's reporting performance every six months and determines whether the employer should be assessed an additional fee.

The member expense fund assessment in LEOFF and PERS I is repealed.

K–12 school administrator contracts are required to end no later than June 30 of the expiration year, except a contract entered into after June 30 may expire in the same year it was entered into. Further, K–12 administrators may not revise their contracts retroactively.

The bill is null and void if the appropriations act does not provide specific funding.

Votes on Final Passage:

Senate	44	0
House	97	0

Effective: June 7, 1990

SSB 6600

C 18 L 90

By Committee on Ways & Means (originally sponsored by Senators Gaspard and McDonald; by request of Economic and Revenue Forecast Council)

Modifying contribution rates to the state retirement systems.

Senate Committee on Ways & Means
House Committee on Appropriations

Background: The basic state contribution rate for the Law Enforcement Officers' and Fire Fighters Retirement System (LEOFF), and the basic employer contribution rate for the Public Employees' Retirement System (PERS), the Teachers Retirement System (TRS), and the Washington State Patrol Retirement System (WSPRS) were established by law in 1989 and required to be utilized in the Governor's proposed budget and the final appropriations act. The rates set in statute are 7.10 percent for PERS, 12.60 percent for TRS, 16.88 percent for LEOFF, and 21.47 percent for WSPRS. These rates take effect September 1, 1990 and apply to both Plan I and Plan II membership.

Supplemental rates for additional benefits are provided through legislation, and supplemental rates have been added to accommodate COLA provisions adopted in 1989.

The Economic and Revenue Forecast Council adopts the economic assumptions (i.e., interest rates and inflation) used by the State Actuary in conducting valuation studies of the state retirement systems. Beginning September 1, 1989, and every six years thereafter, the State Actuary submits to the council information regarding the experience and financial condition of each of the state retirement systems. After recent review of this information, the council recommended to the Legislature revisions to amortize the unfunded liabilities of LEOFF, PERS, TRS, and WSPRS by the year 2024, and to continue fully funding the Plan II portions of LEOFF, PERS, and TRS.

Summary: The basic contribution rates for the state retirement systems are adjusted to reflect the recommendations of the Economic Forecast Council. The rates are 7.47 percent for PERS, 12.60 percent for TRS, 16.44 percent for LEOFF, and 15.53 percent for WSPRS.

The supplemental rate adjustments, added to amortize the cost of the 1989 session COLAs, are included in the rates.

Votes on Final Passage:

Senate	47	0
House	97	0

Effective: September 1, 1991

SB 6606

C 95 L 90

By Senators Benitz, Patterson, Stratton, Newhouse, Hansen, Johnson and Smith

Modifying exemptions and penalties for tinting or coloring of motor vehicle windows.

Senate Committee on Transportation
House Committee on Transportation

Background: Last year the Legislature amended the law pertaining to the application of film sunscreening material to vehicle windows. Those changes include the following.

No tinting or coloring material may be applied to the surface of vehicle windows unless it measures a total reflectance of 35 percent or less, plus or minus 3 percent, and a light transmission of 35 percent or more, plus or minus 3 percent, when measured in conjunction with the safety glazing material. Sunscreening requirements include all windows of a motor vehicle.

A greater degree of light reduction is permitted in a vehicle operated by or carrying a person who possesses written verification from a physician that the individual must be protected from the sunlight for physical or medical reasons.

The application of sunscreening material is restricted to the top six-inch area of a vehicle's windshield.

If sunscreening material is applied to the rearview window, outside mirrors on both the left and right sides must be located to reflect to the driver a rear view of the roadway of at least 200 feet, through each mirror.

Any person who operates a vehicle on the public highways with tinting or coloring material in violation of this section is guilty of a misdemeanor.

Limousines and passenger buses used to transport persons for compensation are exempt from the requirements of this section.

Summary: The maximum level of film sunscreening material that may be applied to windows, except the windshield, is 35 percent with a total light transmission of 35 percent or more, plus or minus 3 percent, and a total reflectance of 35 percent or less, plus or minus 3 percent, when measured against clear glass. Vehicles with any film sunscreening material applied to any of its windows must be equipped with both right and left outside rearview mirrors.

Limousines, buses transporting persons for compensation, and vehicles identified as multi-purpose or multi-use by the manufacturer may have film sunscreening material applied to windows to the rear of the driver that is less than 35 percent light transmission if the light reflectance is 35 percent or less and the vehicle is equipped with both right and left outside rearview mirrors.

Manufacturers of film sunscreening material are required to provide labels meeting the standards of the Washington State Patrol that indicate the light transmission and reflectance of the film. Installers are required to affix the label to the area immediately below the federal vehicle identification number sticker on the driver's side striker post. All vehicles must comply with this requirement by January 1, 1991.

The top six inches of the windshield may have a greater degree of light reduction and clear film sunscreening material may be applied to the windshield to reduce or eliminate ultraviolet light.

It is clarified that a greater degree of light reduction is permitted on any windows and the top six inches of the windshield of vehicles operated by or carrying as a passenger a person possessing a written verification from a physician that the operator or passenger must be protected from exposure to sunlight for physical or medical reasons.

The penalty for operating a vehicle in violation of this section is reduced to a traffic infraction.

It is a misdemeanor to install safety glazing or film sunscreening material in violation of this act.

Owners of vehicles with windows to the rear of the driver's compartment that are not in compliance with this act must comply by July 1, 1993.

Votes on Final Passage:

Senate	47	0
House	97	0

Effective: June 7, 1990

SSB 6608

C 210 L 90

By Committee on Law & Justice (originally sponsored by Senators Nelson, McMullen, Patrick, Smitherman and Madsen)

Pertaining to enforcement of traffic violations.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: A statute establishes criminal penalties for failure to respond to a criminal traffic citation and for failure to appear following a notice of traffic infractions. This statute contains ambiguous and inconsistent language.

It is a gross misdemeanor to commit the crime of hit and run—attended vehicle. Ordinarily, the maximum penalty for a gross misdemeanor is one year in jail and a $5,000 fine. The maximum sentence for this hit and run crime is not more than one year of confinement and a fine of not more than $500. The lesser included offense of hit and run—unattended vehicle, on the other hand, carries a maximum sentence of not more than 90 days in jail and a fine of not more than $1,000.

When a person's driver's license has been canceled, revoked or suspended by the Department of Licensing (DOL), a notice is sent to the driver by DOL requiring the person immediately to return his or her driver's license to DOL. Failure to do so is a misdemeanor, carrying a penalty of 90 days in jail, and a fine of $1,000.

Driving while license suspended (DWLS) and driving while license revoked (DWLR) are classified as gross misdemeanor charges However, the maximum fine for these crimes is $500. In comparison, the lesser included offense of driving without a valid operator's license carries a maximum sentence of not more than 90 days in jail and a fine of not more than $1,000.

When a DWLR charge arises out of an incident that also produces a DWI charge, a mandatory minimum sentence of 30 days must be imposed upon conviction. Currently, a DWI/DWLS combination carries a mandatory minimum sentence of 90 days in jail.

Summary: Existing law is clarified to ensure that failure to appear or failure to respond to two or more notices of a traffic infraction within a five-year period constitutes a gross misdemeanor.

The penalty for hit and run—attended vehicle is increased to be consistent with other gross misdemeanor charges which provide for a penalty of not more than one year in jail and a fine of not more than $5,000.

It is a traffic infraction to display or possess a cancelled, revoked or suspended driver's license or identicard.

Penalties for DWLS and DWLR are increased to be consistent with a standard gross misdemeanor charge (not more than one year of confinement and a fine of not more than $5,000). The mandatory minimum sentence for DWLR is increased to 90 days of confinement when a person is convicted of both DWI and DWLR arising out of the same incident.

Votes on Final Passage:

Senate	46	0
House	92	4

Effective: June 7, 1990

2SSB 6610

C 276 L 90

By Committee on Ways & Means (originally sponsored by Senators Craswell, Rasmussen, Smith, Stratton, Johnson, Bailey, Smitherman and Anderson)

Revising provisions for at-risk youth.

Senate Committee on Children & Family Services and Committee on Ways & Means
House Committee on Human Services
House Committee on Appropriations

Background: In 1977 the Legislature enacted the "Juvenile Justice Act" and subsequently passed the "Runaway Youth Act." The "Runaway Youth Act" was repealed in 1979 and replaced by the Procedures for Families in Conflict chapter.

Family Reconciliation Services was created under this chapter to provide services to runaways and to children in conflict with their families. These services are to be provided at the request of the family or in conjunction with an alternative residential placement petition (ARP).

The Department of Social and Health Services, a parent or the child may file an ARP petition. If the child agrees to be placed outside of his or her home and a placement is available, the child is placed.

Crisis Residential Centers (CRCs) were also created under the Families in Conflict chapter. CRCs were intended to be short term placements for no longer than 72 hours, during which the CRC staff works with the family to avoid furthered or continued out-of-home placement.

Many persons who work with children are dissatisfied with the current system because it does not hold the minor accountable and does not allow the parents or the court to intervene on the child's behalf.

Summary: The Procedures for Families in Conflict chapter is renamed the Family Reconciliation Act.

Family reconciliation services are to be designed to resolve problems related to at–risk youth.

Provisions and procedures for the filing of a petition on behalf of an at–risk youth are set forth. The department is required to file an ARP petition if no at–risk youth petition is filed. Department conducted family assessments are required. Upon occurrence of a dispositional hearing, the court may require certain conditions for the supervision and treatment of an at–risk youth. Provision of services by the department is made contingent upon funding specifically for these services. The court may order the department to monitor compliance with the dispositional order, assist in coordination of ordered services and submit reports on the status of the case.

Further court procedures for at–risk youth are set forth. The department is required to study family reconciliation services and provide recommendations for improved services to at–risk youth and families.

A child may be detained under this act if the court ascertains a willing violation of its orders by a sworn written or oral declaration from the parent. The bill is made contingent upon funding in the budget.

Votes on Final Passage:

Senate	38	10	
House	97	0	(House amended)
Senate			(Senate concurred in part)
House			(House refused to recede)
First Conference Committee			
House	97	0	
Senate			(Ruled beyond scope)
Second Conference Committee			
House	93	3	
Senate	39	6	

Effective: June 7, 1990

SSB 6624

C 6 L 90 E1

By Committee on Ways & Means (originally sponsored by Senators McDonald and Stratton; by request of Office of Financial Management)

Changing provisions relating to the family independence program.

Senate Committee on Ways & Means
House Committee on Appropriations

Background: All persons with dependent children who apply for public assistance whose income, assets and resources do not exceed eligibility limits are entitled to enroll in and receive any enhanced income and medical benefits wherever the Family Independence Program (FIP) is implemented. Subject to the availability of funds, DSHS may authorize benefits for additional categories of public assistance clients. There are no provisions which permit the department to restrict the availability of enhanced program benefits by slowing or halting new enrollment in the event that projected operating costs exceed budget appropriations. Concern has been expressed that the administration lacks the necessary tools to control caseload and expenditure growth attributed to the availability of the Family Independence Program in 15 community social service areas statewide.

The FIP Executive Committee is the administrative body charged by the Legislature with program oversight. After consulting with advisory boards, the FIP Executive Committee may authorize select program changes as deemed necessary to manage within existing resources. Current discretionary powers include the authority to:

(1) revise the level and type of enhanced program benefits, including cash incentives available for training, education or employment participants provided that no recipient receives less financial assistance than would otherwise be available under the federal Aid to Families with Dependent Children (AFDC) Program and Food Stamp Program;

(2) allow (or disallow) cash incentives paid to participants attending higher education or vocational institutions;

(3) establish rules for the treatment of earned and unearned income provided such regulations do not violate federal and state resource exclusions as outlined in federal code or state statute;

(4) condition enhanced program benefits upon mandatory participation by select clients as prescribed in statute and to impose administrative sanctions thereto;

(5) establish conditions under which child care and other related social services will be provided;

(6) establish copayment requirements for non–cash benefits;

(7) establish the frequency and method for redetermining eligibility.

Summary: The Family Independence Program (FIP) is a demonstration project subject to periodic review and modification by the FIP Executive Committee as necessary to further state policy and to manage the program within available funds.

Treatment sites are those five community social service delivery areas selected by the federal government

for data collection to draw program and fiscal comparisons between the federal Aid to Families with Dependent Children (AFDC) and welfare reform provisions of the Family Independence Program.

The participation of caretaker relatives in the Family Independence Program is restricted. Caretaker relatives are those guardians whose personal resources and earnings disqualify them for AFDC benefits. Such relatives may, under federal law, receive income assistance grants but only in recognition of qualifying dependent children in their household. For the purpose of federal cost neutrality, caretaker relatives who reside in a community where FIP is offered are classified as AFDC rather than FIP.

The FIP Executive Committee's powers are expanded. New discretionary powers would include the authority to:

(1) periodically review administrative data and evaluation reports;

(2) modify program operations so long as changes do not conflict with prior agreements reached between state and federal governments. These waivers condition the state's operation of a welfare demonstration project. Consultation with the FIP independent evaluator (the Urban Institute) must precede any program modifications;

(3) periodically stop enrollments in family independence program sites, except for the five treatment sites, until such time as sufficient funds become available to reopen enrollments;

(4) prescribe rules by which conversion to FIP from AFDC is allowed;

(5) transfer cases from the Family Independence Program to the Aid to Families with Dependent Children Program when only the children are eligible for benefits because they reside with a caretaker relative who is not also eligible for income assistance.

FIP enrollees who are employed on a fulltime basis and who earn less than 135 percent of the benchmark standard (equivalent to the AFDC payment standard, adjusted for family size plus the cash equivalent of food stamps) are reassessed to determine if current employment is likely to move the family into noncash benefit status within one year. These suspended cases lose enhanced FIP benefits after one year unless a new self-sufficiency plan is developed and progress towards revised goals commence. In the event that nothing changes, termination of FIP benefits after one year may not result in less financial assistance than the family is entitled to under AFDC.

The Executive Committee shall consult with the Legislative Budget Committee before implementing program modifications.

State amendments accomplished by this act which later prove to be a violation of federal and state agreements shall not be implemented.

Votes on Final Passage:

Senate	30	19
First Special Session		
Senate	46	0
House	94	1

Effective: April 2, 1990

SSB 6626

C 288 L 90

By Committee on Higher Education (originally sponsored by Senators Conner, Barr, Saling, Benitz and DeJarnatt)

Requiring an assessment of higher education needs of placebound students.

Senate Committee on Higher Education
House Committee on Higher Education
House Committee on Appropriations

Background: Access to higher education opportunities has become increasingly important to the citizens of the state of Washington. Students need access to state-supported upper division programs leading to a baccalaureate degree.

The branch campus plan being developed by the Higher Education Coordinating Board as one of its responsibilities under the master plan is addressing the needs of the placebound students in the urban areas of the state. According to the master plan expanding service to residents of rural areas presents a difficult challenge. Community colleges are able to meet most of the vocational and academic transfer needs in these areas, but upper-division and graduate offerings are lacking.

Summary: The Higher Education Coordinating Board is directed to conduct a study of the upper division baccalaureate educational needs of placebound students and the graduate educational needs of teachers living in areas not currently served by either existing four-year institutions or branch campuses.

The intent of the Equal Opportunity Grant Program is clarified as a demonstration project to serve placebound financially needy students who have completed the associate of arts degree or its equivalent and who might be influenced by the receipt of enhanced financial aid to attend an institution that has existing unused capacity rather than a branch campus. Grants

may be used at any existing public or private institution with unused capacity in the state of Washington.

Each state institution of higher education is required to report crime statistics, monthly, for the Washington State uniform crime report. Each institution of higher education is required to publish and distribute a report of crime statistics and crime rates at the institution. Upon request, the institutions shall provide the report to every person who submits an application for admission to either a main or branch campus and to each new employee at the time of employment.

Information regarding an institution's security policies and procedures shall be provided to all new students and new employees. All students, employees, and applicants shall receive notice that the information is available upon request. Institutions that maintain housing facilities shall include information regarding security procedures in place at those facilities in the information provided to applicants, students, and employees. Community colleges may provide alternative information to students and staff at small off–campus sites enrolling less than 100 students.

Each state institution of higher education will establish a task force to annually examine campus security and safety issues. The institution's administration, faculty, staff, students, and police or security organization shall be represented on the task force.

Votes on Final Passage:

Senate	48	0	
House	96	0	(House amended)
Senate			(Senate refused to concur)
Free Conference Committee			
House	92	0	
Senate	43	1	

Effective: June 7, 1990

SSB 6639

C 5 L 90 E1

By Committee on Ways & Means (originally sponsored by Senators McDonald, McMullen, Bluechel, Niemi, Patrick, Warnke, Metcalf, Vognild, Bailey, Conner, Talmadge, Rinehart, Williams, Murray, Moore and von Reichbauer)

Authorizing a real estate excise tax for the acquisition of conservation areas.

Senate Committee on Ways & Means
House Committee on Revenue

Background: Counties may acquire any interest, development right, easement or other contractual right for protecting, maintaining, or limiting the future uses of open space lands or farm and agricultural lands.

To accomplish this purpose counties may levy a regular property tax of $.0625 per $1000 of assessed value. The tax may be levied without a vote of the people and is outside the $5.55 statutory limitation but within the 1 percent constitutional limitation on regular levies.

The state imposes a real estate tax at the rate of 1.28 percent. The seller is liable for this tax. Counties are authorized to impose a .5 percent real estate excise tax for general purposes in lieu of the second .5 percent local option sales tax. In addition, counties may impose a .25 percent real estate excise tax for capital funding purposes only. The .25 percent tax is not subject to referendum.

Summary: Counties are authorized to levy up to a 1 percent real estate tax to acquire and maintain conservation areas. The tax requires voter approval and would be imposed countywide. The buyer is liable for the tax and payment of the tax is required prior to recording of the title.

The proposal for the tax may be initiated by the county commissioners or by petition signed by 10 percent of the total number of voters voting in the last county election.

An expenditure plan must be prepared 60 days before the election if the proposition is initiated by the county legislative authority, or within six months if initiated by petition. The county must consult with cities regarding the expenditure plan.

Votes on Final Passage:

Senate	29	16	
House	52	44	(House amended)
Senate			(Senate refused to concur)
First Special Session			
Senate	28	21	
House	50	45	(House amended)
Senate			(Senate refused to concur)
House	51	38	(House receded)

Effective: July 1, 1990

SB 6640

C 17 L 90

By Senator McMullen

Expanding the use of hotel–motel tax revenues to develop tourism strategies.

Senate Committee on Economic Development & Labor
House Committee on Revenue

Background: Currently cities and counties may use their hotel–motel taxes for a specific series of activities including construction and maintenance of stadiums, convention centers, performing arts centers, and visual art centers. The taxes may also be used for the payment of general obligation bonds and revenue bonds, and for the distribution of information to encourage tourism expansion. In addition, hotel–motel taxes may be used to develop tourism strategies to expand tourism in distressed areas of the state.

Summary: The use of hotel–motel taxes for the development of tourist strategies is expanded to include nondistressed areas of the state.

Votes on Final Passage:

Senate	44	2
House	76	21

Effective: June 7, 1990

SSB 6642

C 57 L 90

By Committee on Economic Development & Labor (originally sponsored by Senators McMullen and Matson)

Revising the Washington Marketplace Program.

Senate Committee on Economic Development & Labor
House Committee on Trade & Economic Development

Background: The Washington Marketplace Program has been in operation since 1988. The program, targeted to distressed areas, is carried out at the local level through local projects. It offers import replacement services, matching local suppliers with local businesses currently purchasing out of state, to increase local commerce and create jobs in distressed counties. An expansion into urban markets by rural suppliers, anticipated in marketplace legislation passed last session, will require a reallocation of resources.

Summary: The number of nonprofit organizations which the Department of Trade and Economic Development is directed to contract with in carrying out the Washington Marketplace program is decreased from four to three. Language regarding the requirements of contracts between the department and multiple nonprofit organizations is deleted. The department will enter into contracts with economic development organizations to foster cooperation and linkages between distressed and nondistressed areas and urban and rural areas. The requirement that local marketplace projects have 20 percent local funding is made optional at the discretion of the department.

Technical amendments are added, clarifying it is the products of Washington State firms for which new markets and purchasers within Washington State are identified.

Votes on Final Passage:

Senate	48	0
House	97	0

Effective: June 7, 1990

SSB 6649

C 258 L 90

By Committee on Transportation (originally sponsored by Senators Conner, Hansen and Bauer)

Clarifying the status of Adopt–a–Highway signs.

Senate Committee on Transportation
House Committee on Transportation

Background: Currently, 27 states have established programs allowing volunteer organizations to "adopt–a–highway" to reduce roadside litter. The Washington State Department of Transportation (DOT) has established a pilot program in which nonprofit volunteer organizations agree to remove litter from two–mile sections of highway at least four times each year for a period of two years. In return, the DOT erects signs identifying the group and provides safety vests, hard hats, trash bags, removal of filled bags, temporary signs and initial safety training to the volunteer crews. Although the DOT is currently erecting Adopt–A–Highway signs, concern has been expressed that the statutes governing signing should be amended to specifically permit Adopt–A–Highway signs.

Summary: The Department of Transportation (DOT) is directed to establish a statewide Adopt–A–Highway litter control program. Volunteer organizations may participate, provided their name does not endorse or

oppose a particular candidate for public office; advocate a position on a political issue, initiative, referendum or piece of legislation; or include a reference to a political party.

The department shall assign each eligible volunteer organization a specific section of highway for a specific period of time, erect signs with the organization's name on either end of the organization's section of highway, provide safety equipment and training, pay medical aid benefit premiums as provided for in the Industrial Insurance Act, and adopt rules necessary for implementation of this act.

The Department of Transportation is required to obtain permission from property owners who lease the right–of–way before allowing a volunteer organization to adopt a section of highway on such leased property, and DOT must ensure that the rights, activities, and agreements with adjacent landowners are not impaired.

The Scenic Vistas Act which regulates signing on interstate, primary, and scenic highways is amended to permit Adopt–A–Highway signs along the right–of–way of the designated two–mile section of highway adopted by a volunteer group.

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
Free Conference Committee			
House	97	0	
Senate	43	1	

Effective: June 7, 1990

SB 6652

C 267 L 90

By Senators McDonald, Gaspard and Hayner

Revising penalties on cigarette taxes.

Senate Committee on Ways & Means
House Committee on Revenue

Background: The state of Washington imposes a tax on the sale, use, consumption, handling, possession, or distribution of cigarettes equal to $.34 per pack. In addition, state and local sales and use taxes and business and occupation taxes apply to the sale of cigarettes equal to approximately $.125 per pack, depending on price. Because price differentials of between $.16 and $.26 per pack exist between Washington and its neighboring states, there is an incentive for tax evasion.

According to estimates from the Department of Revenue, the state is losing $17.9 million per year from illegal sales of untaxed cigarettes. These losses occur from casual smuggling from other lower–tax states and the purchase of cigarettes from tax–free outlets such as military post exchanges and Indian smoke shops.

Failure to affix tax stamps or to pay any cigarette tax, or other violation of the cigarette tax laws, is subject to a penalty equal to the amount of any tax due.

Untaxed cigarettes that are possessed by any unauthorized person and any conveyances used or intended to be used for their transport for the purpose of sale or receipt, are subject to seizure. If there is no intent to violate the cigarette tax laws, the property may be returned upon payment of a penalty equal to 25 percent of the amount of tax due.

Summary: The penalty for failure to affix tax stamps or to pay any cigarette tax, or other violation of the cigarette tax laws, is increased to $10 per package of unstamped cigarettes or $250, whichever is greater. The penalty that must be paid before the return of seized property if there is no intent to violate the cigarette tax laws is increased to $10 per package of unstamped cigarettes or $250, whichever is greater.

Votes on Final Passage:

Senate	44	0	
House	96	1	(House amended)
Senate	42	0	(Senate concurred)

Effective: January 1, 1991

SSB 6663

PARTIAL VETO

C 250 L 90

By Committee on Transportation (originally sponsored by Senators Patterson, DeJarnatt, Thorsness and Rasmussen; by request of Department of Licensing)

Authorizing special license plates and emblems.

Senate Committee on Transportation
House Committee on Transportation

Background: The Department of Licensing administers many special license plate programs (i.e. disabled veteran, POWs, Pearl Harbor Survivor, Congressional Medal of Honor, etc.) which are authorized by statute.

Due to the number of requests to the Legislature for special plates each year, the Department of Licensing was directed to study and make recommendations for establishing a special license plate program. A bill

implementing the department's recommendations (SB 5420) was considered but not enacted by the Legislature in 1989.

The 1989 Legislature enacted a bill authorizing the Department of Licensing to issue "remembrance emblems" and campaign emblems to honorably discharged veterans for display on the front license plate in an area approved by the department. The Governor vetoed the bill.

Summary: Special vehicle license plate, special vehicle license plate emblem, and veterans emblem programs are established within the Department of Licensing.

Special License Plate Program. Special license plates may denote the age or type of vehicle or may denote special activities or interests, or contribution or sacrifice for the United States, the State of Washington or its citizens.

The department has the sole discretion to create, design and issue special license plates and whether any activity, status, contribution or sacrifice merits the issuance of a series of special license plates. The department must consider the significance of the activity, status, contribution or sacrifice as well as the potential number of persons who may be eligible and the cost and efficiency of producing limited numbers of plates. Any special plates issued must conform with all requirements for plates for the type of vehicle for which it is issued.

The following special plate statutes are repealed: horseless carriage and restored vehicles, amateur radio operators, Medal of Honor, and Pearl Harbor survivors. The department is required to continue issuing these categories of special plates under the same conditions as provided for in the repealed statutes. Surviving spouses of persons who would have qualified, or did qualify, for Pearl Harbor survivor special vehicle license plates shall be issued Pearl Harbor survivor plates. In addition, the statutes relating to centennial plates are repealed.

A surviving spouse of a prisoner of war need not have been married to the prisoner of war during the period of his or her incarceration in order to be eligible for the free regular or special plates. However, if the surviving spouse remarries, the plates must be returned and application for regular license plates made within 15 days.

When a person who has been issued a special vehicle license plate releases ownership of the vehicle, he or she must pay a $5 transfer fee in addition to any other applicable fees to transfer the plate to a new vehicle.

The department may establish fees not to exceed $35 for the issuance of each type of special vehicle license plate in an amount calculated to offset the cost of producing the plates and administering the program. The fees are deposited in the motor vehicle fund. The additional fee does not apply to Medal of Honor and Pearl Harbor survivor plates.

Veterans Remembrance Emblem Program. A person who has been honorably discharged from military service may be issued a remembrance emblem depicting the American flag and a tribute or message. Veterans who have been awarded a campaign ribbon may be issued an emblem depicting the following campaigns: World War I (1917–1918); the Pacific and European Theaters during World War II (1942–1945); Korea (1950–1954); Vietnam (1965–1973); and Armed Forces Expeditionary (after 1958). The veteran must furnish proof of his or her honorable discharge and pay all regular license fees. The emblem shall be displayed on the vehicle license plate in a manner designated by the Department of Licensing.

The department may establish fees not to exceed $25 per emblem for this program. The fees are to offset the costs of producing the emblems, administrative costs plus an amount to be used by the Department of Veterans Affairs.

The veterans emblem account is created in the custody of the State Treasurer. All monies received from the sale of emblems to veterans shall be placed in the account. Expenditures from the account shall be used by the Department of Licensing exclusively for payment of the costs associated with the program. Any remaining balance in the account is to be used by the Department of Veteran Affairs exclusively for projects that pay tribute to veterans. The monies may be used to preserve and operate existing memorials, as well as for planning, acquiring land and constructing future memorials.

Special Vehicle License Plate Emblems. Institutions of higher education, including community colleges, may petition the Department of Licensing for a special vehicle license plate emblem. The department has sole discretion to determine whether an institution qualifies for the program under the same criteria as in the special license plate program. As a condition for receiving an emblem, additional fees may be collected from any person by the institution to be used for the institution's purposes.

The special vehicle license plate emblem account is created and fees collected by the department are deposited into the account to be used only to offset the costs of administering the special vehicle license plate emblem program.

The department may establish fees for the issuance of each type of special vehicle license plate emblem in

an amount calculated to offset the costs of producing the emblems and administration of the program.

Technical changes to Department of Licensing statutes relating to gender references, outdated statutory references, terminology changes and ambiguous language are made.

Votes on Final Passage:

Senate	45	0	
House	91	6	(House amended)
Senate			(Senate refused to concur)
Free Conference Committee			
House	84	8	
Senate	44	0	

Effective: June 7, 1990
July 1, 1990 (Section 11)
January 1, 1991 (Sections 1–10, 12–15, 17)

Partial Veto Summary: Technical corrections to Ch. 46.37 (sections 55 and 56) were vetoed by the Governor because those sections were duplicated in other bills. Section 48, which authorized occupational drivers' licenses for persons convicted of DWI, and section 87, which made a limited exception to administrative revocation of a person's driver's license for refusing to take a breathalyzer test, were vetoed by the Governor because the sections eroded the impact of the implied consent law. (See VETO MESSAGE)

SSB 6664

PARTIAL VETO

C 264 L 90

By Committee on Economic Development & Labor (originally sponsored by Senators McDonald, Gaspard, Warnke and Rasmussen; by request of Department of Licensing)

Amending the business license center act.

Senate Committee on Economic Development & Labor
House Committee on Trade & Economic Development

Background: Beginning in fiscal year 1989, the Department of Licensing which is funded by the general operating budget and the transportation budget experienced a significant reduction in the funding received from the transportation budget. Additional funding was not allocated from the general fund to account for the deficit experienced by the department. As a result, the Department of Licensing has attempted to establish alternate sources of funding for its existing programs.

The master license system, administered by the Business License Center, is one such program operated by the Department of Licensing. It provides a one–stop licensing service to businesses across the state which are often required to obtain multiple licenses from numerous state agencies. The master license program issues over 71 different licenses for eleven state agencies. Fees are not charged to businesses or state agencies for this service. Due to the recent reductions in agency funding, the program will experience a 32 percent, or $2 million shortfall in program funding during the current biennium.

Summary: The Business License Center is given the authority to impose a $12 handling fee for each original master license issued by the master licensing program. A fee will not be charged for the annual renewal of master licenses.

The Legislative Budget Committee is requested to do a performance audit on the master licensing program to determine program effectiveness and efficiency.

Votes on Final Passage:

Senate	39	0	
House	93	4	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Free Conference Committee			
Senate	44	1	
House	81	16	

Effective: July 1, 1990

Partial Veto Summary: The section that repealed the provisions establishing the Business License Center and added licenses to the master license system is vetoed. (See VETO MESSAGE)

SSB 6668

C 73 L 90

By Committee on Ways & Means (originally sponsored by Senators Newhouse, Talmadge, Patrick and von Reichbauer; by request of Department of Labor and Industries)

Amending crime victims' compensation provisions.

Senate Committee on Ways & Means
House Committee on Judiciary
House Committee on Appropriations

Background: In 1988, Congress amended the Victims of Crime Act (VOCA), requiring that states who

receive federal crime victims compensation grants meet new standards to maintain their eligibility. These standards include (1) extending crime victims' eligibility to Washington State residents, who have been victims of any crimes committed in other states which would have made them eligible for compensation had the crime been committed in Washington State; and (2) victims who are injured or killed by a drunk driver (DWI). Currently, out–of–state victims are not eligible. DWI victims are eligible only if (1) the offender is fatally injured and the offense is classified as vehicular homicide; or (2) the offender is charged and convicted of vehicular assault.

Summary: Under the Crime Victims' Compensation Program, coverage is extended to (1) victims of any crimes committed in other states which would have made them eligible for compensation had the crime been committed in Washington State, and where that state does not have crime victims' coverage for that crime; and (2) victims who are injured or killed by a drunk driver.

Votes on Final Passage:

Senate	48	0	
House	96	0	(House amended)
Senate	43	0	(Senate concurred)

Effective: October 1, 1990

SB 6673

C 75 L 90

By Senators McCaslin, Smitherman and Thorsness; by request of Department of General Administration

Changing provisions relating to state employees operating state–owned vehicles.

Senate Committee on Governmental Operations
House Committee on State Government

Background: One of the elements of the 1989 legislation creating the Division of Motor Vehicle Services in the Department of General Administration (GA) is a driver training program for state employees.

In implementing that part of the law, several difficulties were encountered with the requirement that all state employees who operate state–owned passenger vehicles have valid Washington driver's licenses. Examples include employees who reside in border states and nonresident students or visiting faculty at institutions of higher education.

Summary: Any state employee is required to provide proof of a driver's license recognized as valid under Washington law before operating a state–owned passenger vehicle.

Votes on Final Passage:

Senate	47	0
House	96	1

Effective: June 7, 1990

SSB 6681

C 96 L 90

By Committee on Education (originally sponsored by Senator Lee)

Changing provisions relating to the lease or rental of surplus real property owned by a school district.

Senate Committee on Education
House Committee on Education

Background: School district boards of directors are authorized to permit the lease, rental or occasional use of surplus school property. Boards of directors are also authorized to sell real property. Net proceeds from the rental or sale of surplus school property are deposited in the school district's capital projects fund.

Some school districts have entered into long–term leases of surplus school property with the property being used for condominiums or office buildings. Other school district boards of directors would like to be able to manage their property profitably and in the best interests of the school districts but are concerned about whether the statutes clearly grant authority to enter into long–term leases.

Summary: The authority of school district boards of directors to enter into long–term leases of school district property is clarified.

Situations where school districts would not have to include a recapture clause are restricted to situations, where due to proximity to an international airport: (1) the land has been so permanently altered that the possible use of the property to house students is precluded; and (2) the use of the surrounding property has so heavily impacted the school property that use of the property to house students would no longer be appropriate.

Votes on Final Passage:

Senate	48	0	
House	96	1	(House amended)
Senate	39	0	(Senate concurred)

Effective: June 7, 1990

SSB 6697

C 87 L 90

By Committee on Transportation (originally sponsored by Senator DeJarnatt)

Ordering a study of the need for a second bridge over the Columbia at Longview.

Senate Committee on Transportation
House Committee on Transportation

Background: The Lewis and Clark Bridge which connects Longview, Washington and Rainier, Oregon was built in 1929.

With economic development and growth, traffic on the bridge has become a major problem.

Summary: The Washington State Transportation Commission, in conjunction with local governments and the affected metropolitan planning organizations, is directed to study the feasibility of constructing a parallel bridge at Longview and a traffic survey of the Hood River Toll Bridge. The results of this study shall be reported to the Legislative Transportation Committee by December 1, 1990.

Votes on Final Passage:

Senate	46	0
House	97	0

Effective: June 7, 1990

SSB 6698

PARTIAL VETO

C 128 L 90

By Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, DeJarnatt, Nelson, Sutherland, Barr, Bauer, Bluechel, Stratton, Patterson, Hansen, Anderson, Madsen, Bailey, McCaslin, Owen, Conner and Benitz)

Imposing a fee on the sale of solid fuel burning devices.

Senate Committee on Environment & Natural Resources
House Committee on Environmental Affairs
House Committee on Revenue

Background: Under the Washington Clean Air Act, the burning of wood in any solid fuel heating device is prohibited when the Department of Ecology determines that an air pollution "episode" exists in a particular area.

The existence of an air pollution episode may occur at the following stages: (a) forecast, (b) alert, (c) warning, (d) emergency, and such intermediate stages as the department shall designate. "Forecast" means the presence of meteorological conditions that are conducive to accumulation of air contaminants and is the first stage of an episode. "Alert" means concentration of air contaminants at levels at which short-term health effects may occur. Statutory definitions are also provided for the third and fourth levels as well.

In addition to department determination of episodes, either the department or a regional air pollution control authority may determine that an "impaired air quality" condition exists for an area, which means that there are contaminant concentrations nearing unhealthful levels concurrently with meteorological conditions that are conducive to an accumulation of air contamination.

When any stage of an "episode" is declared, burning of both certified and uncertified stoves is banned in that area. When an "impaired air quality" condition is declared, the burning of uncertified wood stoves is banned.

On December 11, 1989, the department called a statewide "forecast" air quality episode which banned the use of all solid fuel burning devices.

After July 1, 1990 the department may determine if there is quantitative evidence that wood stoves which meet the requirements of statewide emission performance standards are contributing to impaired air quality. If this is determined to be the case, the department or any authority may prohibit burning of all solid fuel burning devices during an impaired air quality occurrence, including those meeting the requirements of statewide emission performance standards.

Summary: Certified wood stoves and wood pellet stoves, certified or exempt from certification under federal regulations, are not limited from burning during an impaired air quality condition called for a geographic area by a local air authority or the Department of Ecology. A first stage of such condition is reached when particulates reach 75 micrograms per cubic meter or eight parts per million of carbon dioxide. All wood burning is banned during a second stage of impaired air quality, reached when particulates reach 105 micrograms per cubic meter. Ecology may not declare a forecast episode before a first or second-stage impaired air quality condition has been called.

After July 1, 1995 a local air authority may limit wood burning within geographical areas, considering health effects and pollution effects of uncertified stoves and population density. This limitation does not apply to certified stoves. A low-income exemption is to be

provided from this limitation. In such geographic areas, no wood stoves may be burned where another adequate source of heat is available, when particulates reach 90 micrograms per cubic meter or carbon dioxide reaches eight parts per million.

The Department of Ecology may set a fee of up to $15 on the sale of new stoves, which is to be used for wood stove education and enforcement. The Joint Select Task Force on Clean Air to be established by other 1990 legislation is to review implementation of this act and review and make recommendations regarding advancing technology to further reduce emissions from wood stoves.

Votes on Final Passage:

Senate	42	6	
House	79	18	(House amended)
Senate	35	5	(Senate concurred)

Effective: June 7, 1990

Partial Veto Summary: Section 1 of the bill refers to a bill that did not pass the Legislature that would have created a joint select task force on clean air. Since the task force does not exist, section 1 is vetoed. (See VETO MESSAGE)

SSB 6700

C 123 L 90

By Committee on Transportation (originally sponsored by Senators Patterson, Metcalf, DeJarnatt, Amondson, Benitz, Newhouse, Sellar, Hansen, Conner and Madsen)

Regulating trucking of recovered materials.

Senate Committee on Transportation
House Committee on Environmental Affairs

Background: Trucking companies transporting only recyclables are regulated as common and contract carriers by the Utilities and Transportation Commission (UTC). These carriers are regulated under the motor freight carrier statutes rather than the solid waste collection company statutes because the commodity has value and is recycled rather than transported for disposal only.

The entry standard is Public Convenience & Necessity (PC&N). The applicant must prove that there is a need for the service and that the proposed service will not negatively impact existing carriers providing similar services. The carriers may file their own rates or use the UTC published hourly rates.

When a carrier co-mingles garbage and recyclable materials, the company is regulated as a solid waste collection company. Solid waste carriers are subject to the PC&N entry standard and file their own rates.

Summary: Certain movements of "recovered materials" by motor freight carriers (1) are exempt from rate regulation by the Utilities and Transportation Commission (UTC), and (2) qualify under the UTC's more relaxed entry standard of Fit, Willing and Able. These provisions apply when transporting (1) recovered materials from a site generating a minimum of 10,000 tons of recovered materials per year to a reprocessing facility or end-use manufacturing site, (2) recovered materials from a reprocessing facility to another reprocessing facility or end-use manufacturing site, and (3) mixed waste paper from a reprocessing facility to an energy recovery facility. Qualifying recyclers are subject to a one-time $25 registration fee, payment of the annual regulatory fee and the UTC's safety and insurance requirements.

"Recovered materials" are materials collected for recycling or reuse, such as paper, glass, aluminum, plastics, used wood, metals, yard waste, used oil and tires that would otherwise be transported to a disposal or incineration site. Wood waste generated by a logging, chipping, or milling activity is not a recovered material.

Administrative rules are adopted by the UTC requiring carriers of recovered materials to submit information that may be necessary for waste stream management analysis. The services that garbage companies and recyclers may provide are clarified.

Votes on Final Passage:

Senate	45	3	
House	97	0	(House amended)
Senate	38	4	(Senate concurred)

Effective: March 21, 1990

SSB 6701

C 117 L 90

By Committee on Transportation (originally sponsored by Senators Bluechel, Bender, Sellar, Moore, von Reichbauer, Murray, Smitherman, Conner, Warnke and Lee)

Creating the maritime commission and oil spill response system.

Senate Committee on Transportation
House Committee on Transportation

Background: The diversity of species and unique character of habitat make Washington waters a natural wonder. These waters also provide a vital maritime

trade link between the state and nation and the Pacific Rim. Unfortunately, maritime accidents involving oil spills have occurred in Washington waters which have endangered this unique environment. Treatment and containment of an oil spill, within the first 24 hours, is critical to the mitigation of environmental damage. While some commercial vessels (oil tankers) have voluntarily joined organizations which provide immediate oil spill response, there is no mechanism that provides for a mandatory emergency response communications network and which will, in the event of an oil spill or threat of a spill, provide and pay for the first 24 hours of response for all vessels entering Washington State waters.

Summary: All commercial vessels over 300 gross tons carrying oil as fuel or cargo that enter Washington waters are required to have an oil spill response system. This requirement does not apply to oceanographic research vessels, public vessels, pleasure vessels, or vessels that have already arranged with an officially recognized cleanup cooperative or with a private cleanup contractor for immediate oil spill response.

The Washington State Maritime Commission is created to administer and enforce the provisions of the act. The commission is comprised of nine voting members and four nonvoting, ex officio members who are elected for a three-year term. The voting members represent steamship liner companies, tow boat companies, fishing vessels, steamship companies serving tramp vessels transiting Puget Sound and the Columbia River, insurers of oil spill cleanup costs for vessels operating in Washington waters, and the public. The public members are appointed by the Governor and must have maritime, marine labor or marine spill cleanup experience, and marine environmental experience. The director of the Department of Ecology, the United States Coast Guard Captain of the port of Puget Sound, the U.S. Coast Guard Captain of the port of that portion of the Columbia River that runs between the states of Washington and Oregon, and a state-licensed pilot operating in Washington waters serve as ex officio members. The commission is required to meet at least quarterly.

Members of the commission are nominated and elected by companies within the business class a member represents. Election is by secret mail ballot under the supervision of the director of the Department of Ecology. The commission is required to provide the director with a list of companies eligible to vote and to reimburse the director for all election costs.

The commission is empowered to: (1) establish an oil spill first response system that provides a mandatory emergency response communications network and, in the event of an oil spill or threat of a spill, provide and pay for the first 24 hours of response; (2) assess vessels transiting state waters; (3) enter into contracts with cleanup contractors to provide spill response; (4) recover oil spill first response system costs from a responsible vessel owner; (5) develop an oil spill contingency plan; (6) hold response readiness drills; (7) expend funds for commission related education and training; (8) investigate violations; (9) borrow money; (10) hire and discharge staff and consultants; and (11) incur expenses, enter into contracts and create liabilities necessary to the administration and enforcement of their responsibilities.

The development of an oil spill first response system for vessels transiting that portion of the Columbia River that runs between Washington and Oregon is not authorized until July 1, 1992. The commission is required to develop an oil contingency plan for these vessels by January 1, 1993.

On or after October 1, 1990, the commission is required to levy an assessment on all vessels transiting state waters, with the exception of vessels transiting the Columbia River, plus annual increases. Assessments for vessels operating on the Columbia River may be levied on or after January 1, 1992. The amount of the assessment is set by the commission. Vessels that show proof to the commission or DOE that they have previously arranged for cleanup response with a cooperative or private cleanup contract are exempt from the assessment. The assessment levied by the commission must generate a maximum fund level of $1.5 million within four years. When the fund reaches the maximum, the assessment is discontinued until the fund drops to $1 million, at which time the assessment is reinstated. Increases in the assessment can occur after proper regulatory hearings and a finding of necessity. The commission may prescribe by rule the method of collection for the assessment or recovery of oil spill first response system costs.

If a vessel owner fails to remit any assessment or cleanup costs, the sum plus penalties are a lien on the vessel.

Vessel owners, operators, or agents are required to keep accurate records of all vessel transits. Such records must be preserved for a period of two years and are subject to inspection upon demand.

The commission must elect a manager, who is not a member, and appoint a secretary and/or treasurer who is responsible for all moneys received by the commission. The treasurer is bonded in the amount of $100,000.

Rules and orders by the commission are filed with the director of DOE and are adopted pursuant to the Administrative Procedure Act.

The liability of the commission is limited to the commission itself and its assets. No liability for the debts or actions of the commission exists against the state, commission members, or agents individually.

A violation of the provisions of the act is subject to a civil penalty of not more than $1,000.

The commission is authorized to issue bonds or obtain loans secured by commission funds derived from membership assessment. Bonds issued and loans obtained are subject to certification by the treasurer that sufficient moneys are available for this purpose and that there will be an adequate balance in the fund to pay bond issuance and retirement and loan repayment costs.

The effective dates for fee assessments and the establishment of an oil spill response system for vessels transiting on the Columbia River are January 1, 1992 and July 1, 1992, respectively. The effective date for establishing an oil spill contingency plan for such vessels is January 1, 1993.

Votes on Final Passage:

Senate	48	0	
House	97	0	(House amended)
Senate	40	0	Senate concurred)

Effective: July 1, 1990
July 1, 1991 (Section 3(10), (12), (13), (15)), except as otherwise provided

SSB 6726

C 195 L 90

By Committee on Environment & Natural Resources (originally sponsored by Senators Owen, Metcalf and Patrick)

Providing funds for firearm range facilities.

Senate Committee on Environment & Natural Resources
House Committee on Fisheries & Wildlife
House Committee on Appropriations

Background: The Washington State Firearm Range Committee was created by the 1988 Legislature. The committee is appointed by the Governor and is composed of nine members representing various aspects of sport shooting and law enforcement groups in Washington. Four nonvoting ex officio members from the Legislature are on the committee. The committee prepared a report which was submitted to the Legislature on January 1, 1990. The committee reviewed existing public and private firearm range facilities, assessed the needs for firearm ranges, and reviewed various methods to fund the development of firearm ranges. Funds accruing to the firearm range account come from a surcharge on concealed weapon permits.

Summary: The interest in all shooting sports has increased while safe locations to shoot have been lost due to the pressures of urban growth.

The expenditure purposes of the firearm range account are established so that the funds can be used for the purchase and development of land, construction or improvement of range facilities, remodeling of facilities, equipment purchasing, safety and environmental improvements, noise abatement and liability protection for firearm ranges and sporting firearm training and practice facilities. Funds may not be used for shooting supplies or normal operating expenses. The grant funds distributed in the form of grants will not supplement funds for other organization programs. The funds will be available to nonprofit shooting organizations, school districts, state, county and local governments on a match basis. All the ranges receiving matching funds must be open to the public on a regular basis and usable by law enforcement personnel or the general public.

Applicants for grants from the firearm range account will provide matching funds or in–kind contributions. The grants must be represented dollar for dollar as an equal grant, and may be in the form of in–kind contributions, materials or property.

Applicants other than school districts or local government must be registered as nonprofit organizations with the Secretary of State. Organizations requesting grants must provide hours of range availability for the public and for law enforcement use. Any nonprofit organization accepting grants will be required to pay back the entire grant amount if the use is discontinued less than ten years after the grant is accepted. Any nonprofit facility that allows safe shooting of firearms and/or archery equipment is eligible for a grant. The facilities in all cases must be open for hunter safety education classes on a regular basis, free of charge. Government units or school districts applying for grants must open their range facility on a regular basis for hunter safety training education.

The Firearm Range Committee is reconstituted and the appointments by the Governor will represent shooting interests, archery interests and the Military Department. The administrating agency is the Interagency Committee for Outdoor Recreation that will administer the grants for the committee. The firearm range account in the wildlife fund is transferred to a

dedicated account in the general fund and is appropriated from that account to the Interagency Committee for Outdoor Recreation for grants as approved by the Firearm Range Committee. The Interagency Committee may use up to 10 percent of the funds for administrative expenses.

An appropriation of $450,000 is made from the firearm range account in the general fund.

Votes on Final Passage:

Senate	43	3	
House	97	0	(House amended)
Senate	38	2	(Senate concurred)

Effective: June 7, 1990

SB 6727

C 163 L 90

By Senators Kreidler, Metcalf and DeJarnatt

Regulating sale of valuable material, including shellfish, from state-owned aquatic lands.

Senate Committee on Environment & Natural Resources
House Committee on Natural Resources & Parks

Background: The statutes regulating the sale of valuable materials including plants, shellfish and other materials from state-owned lands have not been updated since 1982. The Department of Natural Resources needs the authority to ensure that bids will go to the highest responsible bidder. The sale of "valuable materials" needs to relate directly to the sale of shellfish.

Summary: Tideland and shoreland materials are sold at public auction to the highest responsible bidder. The department will analyze the bid and assess the following factors: 1) whether the bid contains material defects; 2) whether the bidder is able to perform financially and technically; 3) whether the bidder has previously or is currently complying with the terms or conditions of other contracts; 4) whether the bidder has been convicted of a crime relating to public lands or natural resources; 5) whether the bidder is owned, controlled or managed by any partnership, person or corporation that is not responsible under the statute; and 6) whether the subcontractors to the bidder are responsible. Whenever the department has reason to believe that the apparent high bidder is not a responsible bidder, the department will award the sale to the next responsible bidder or the department may reject all bids and reoffer the sale.

Geoducks are to be sold as a valuable material. The department will enter into harvesting agreements with the purchaser of geoduck tracts. The term "lease" is removed from the statute and the term "harvesting agreement" is substituted as a better description of the actual practice of the Department of Natural Resources.

The Department of Natural Resources may offer and pay a reward not to exceed $1,000 in each case for information regarding violations of any statute or rule adopted relating to the state's public lands and natural resources.

If a person wrongfully takes shellfish or causes shellfish to be taken from public lands, the person is liable for damages three times the market value of the amount of shellfish wrongfully taken. "Wrongfully taken" is defined to include shellfish taken above the limits of applicable laws that govern the harvest of shellfish; without reporting the harvest to the department; outside the area the harvest is supposed to take place; and without a lease or purchase agreement, when required by law. A person wrongfully taking shellfish is subject to civil damages. A method is established to assess the amount of shellfish wrongfully taken, either by surveying the aquatic lands or by weighing the shellfish aboard any vessel or in possession of a person that is shown to be wrongfully taken, or by other evidence that reasonably establishes the amount of shellfish.

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate	38	0	(Senate concurred)

Effective: June 7, 1990

SSB 6729

PARTIAL VETO

C 230 L 90

By Committee on Law & Justice (originally sponsored by Senators Nelson, Talmadge, McCaslin, Rasmussen, Newhouse, Niemi, Thorsness, Hayner, Madsen and Patrick)

Providing for DNA identification.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: In 1989 the Legislature enacted a law directing the establishment of a deoxyribonucleic acid (DNA) identification program. The identification program is useful in law enforcement and is based on the

fact that each person's DNA structure is unique. Improving laboratory techniques have made it increasingly possible to match DNA samples from a wide variety of relatively small samples of human tissues and fluids.

After July 1, 1990 every person convicted of a felony sex offense or a violent offense as defined in the Sentencing Reform Act is to be identified through a DNA analysis of his or her blood.

Local jurisdictions are prohibited from establishing DNA data base identification systems before July 1, 1990, and after that date any local system must meet certain criteria including compatibility with the state system. Local jurisdictions are authorized to use DNA analysis in individual criminal investigations and prosecutions.

The DNA law directed the State Patrol to consult with the University of Washington School of Medicine to develop a plan for the implementation of an identification program. The State Patrol has submitted a plan for the implementation of the program that includes: timelines; local agency financial participation; DNA analysis protocol; program cost analysis; equipment requirements; and space and location requirements for the laboratory.

One provision of the 1989 law was vetoed by the Governor. This provision would have created an oversight committee to recommend to the Legislature "specific rules and procedures for the collection, analysis, storage, expungement, and use of DNA identification data." The vetoed provision would have directed the State Patrol, in cooperation with the medical school, to develop procedures to be used in collecting blood samples.

The Governor appointed an oversight committee, although of different composition called for in the vetoed provision. The committee has developed a "DNA database security protocol" and a "protocol for saving DNA samples."

Summary: The State Patrol is given explicit authority to adopt rules to implement the DNA identification program. The rules to implement the DNA identification system are to prohibit the use of DNA identification data for any research or other purpose that is not related to a criminal investigation or to improving the operation of the DNA system.

Jail and state corrections facility administrators are authorized to conduct or to have conducted blood sampling for DNA identification purposes.

The responsibility for obtaining the blood samples is clarified. For persons convicted after July 1, 1990, the county is responsible for obtaining samples from those selected offenders who are serving a term of confinement in a county jail or detention facility. The Department of Corrections is responsible for obtaining samples from those persons serving a term of confinement in a Department of Corrections facility.

Votes on Final Passage:

Senate	45	1	
House	96	1	(House amended)
Senate	39	1	(Senate concurred)

Effective: March 27, 1990

Partial Veto Summary: The section authorizing jail and state corrections facility administrators to conduct blood sampling for DNA identification purposes is vetoed. (See VETO MESSAGE)

2SSB 6731

C 262 L 90

By Committee on Ways & Means (originally sponsored by Senators McCaslin and Sutherland)

Including absentee ballots in state-wide election abstracts.

Senate Committee on Governmental Operations and Committee on Ways & Means
House Committee on State Government

Background: In primary and general elections, the county auditor or election officer must submit an abstract of all votes in that county regarding state ballot measures and candidates for federal, state and legislative offices to the Secretary of State no later than the business day after the county canvassing board has certified the votes. Total votes by precinct are not required in these abstracts, nor is the count of absentee ballots for measures or candidates required to be segregated by precinct. In recent years, more and more voters have routinely cast their ballots as absentees.

The district totals are not fully reflective of outcomes in the various precincts. This is particularly significant as the 1990 census approaches, following which the State Redistricting Commission must reapportion congressional and legislative districts (Chap. 44.05 RCW).

Summary: After the general election in an even-numbered year, the county election officer must send the Secretary of State a report of absentee votes cast by precinct on state measures and federal or state elective offices. The information must be furnished no later than March 31 of the following year.

Absentee votes may be incorporated into the votes cast for each precinct or may be reported separately by precinct. If the absentees are not incorporated into the precinct total, the votes from more than one precinct may be aggregated, but the precincts should be contiguous to the extent practicable. Except for these requirements, absentee ballots may still be grouped and counted by congressional or legislative district.

Votes on Final Passage:

Senate	44	0
House	96	1

Effective: June 7, 1990

SB 6741

C 201 L 90

By Senators Amondson, Owen, Metcalf and Sutherland

Modifying permit requirements for substantial developments on shorelines as they relate to utility extensions.

Senate Committee on Environment & Natural Resources
House Committee on Environmental Affairs

Background: The Shoreline Management Act of 1971 is designed to protect the shorelines of this state for the public interest. It sets forth a management scheme for coordinating the public and private development of the state's shorelines by having local governments take primary responsibility in administering the management program, with the Department of Ecology acting in a supportive and review capacity.

Substantial development shall not be undertaken on the shorelines of the state (which are specifically listed in the act) unless it is consistent with the policy of the Shoreline Management Act and the Department of Ecology guidelines and rules, or the local government's master program governing shorelines within its jurisdiction.

Permits for substantial development on the shorelines of the state must be obtained by local governments. The term "substantial development" means any development of which the total cost or fair market value exceeds $2,500, or any development which materially interferes with the normal public use of the water or shorelines of the state.

The public is notified of any applications for a substantial development permit through publication in a legal newspaper, and by mail or posting, or by any other manner deemed appropriate by local authorities that provides reasonable notice to adjacent landowners and the public.

The public may submit comments on the application to the local government within 30 days of the last date the notice is published, and may request that a copy of the final order on the application be made available as expeditiously as possible after its issuance.

Summary: A permit review process is established for the extension of vital utility services to residents for natural gas, electricity, telephone, water, and sewer, while preserving the safeguards of public review and appeal rights in the permit application process.

The public shall submit written comments concerning an application for a permit for development of a vital utility service connection to the local government within 20 days of the last date of published notice of the application. The notice shall state the manner in which the public may obtain a copy of the application no later than two days following its issuance.

Local governments shall either grant or deny a substantial development permit application within 21 days of the last day of the comment period when the application meets the following requirements: it is for the construction of utility service connections for natural gas, electricity, telephone, water and sewer; the construction will serve an existing use; and the construction will not be more than 2,500 lineal feet within the shoreline.

The initial appeal of the decision to grant or deny the permit to the local government legislative authority must be decided by the legislative authority within 30 days. Utility service connections covered by this bill are those which are categorically exempt under Chapter 43.21C RCW for one or more of the following: natural gas, electricity, telephone, water or sewer. If a construction permit is granted, construction may not begin until seven days after the date the permit is filed with the Department of Ecology.

Votes on Final Passage:

Senate	42	2	
House	97	0	(House amended)
Senate	42	0	(Senate concurred)

Effective: June 7, 1990

SSB 6764

C 290 L 90

By Committee on Education (originally sponsored by Senators Rinehart, Bailey and Fleming)

Creating the learn-in-libraries program.

Senate Committee on Education

House Committee on State Government
House Committee on Appropriations

Background: Using community resources to provide services for students after school, and encouraging community involvement at school sites are suggestions for improving the education system. Community involvement models that have been tried in some communities include using volunteer tutors after school in libraries and having public employees volunteer in schools. Adults have also served as mentors by volunteering to share specific skills such as athletic skills.

Summary: The Learn–in–Libraries Program is created to provide grants to local libraries through the State Library Commission to develop and implement after school programs for children to improve literacy skills, encourage reading, and provide homework assistance. Grant applicants are encouraged to develop programs that use older adult volunteers. The State Library Commission reports to the Legislature on the results of the program.

This bill is contingent upon funding being available in the budget.

Administrative costs of the State Library Commission are limited to 10 percent or $50,000.

Votes on Final Passage:

Senate	32	12	
House	97	0	(House amended)
Senate			(Senate concurred in part)
House			(House receded in part)
House	95	0	
Senate	44	2	

Effective: June 7, 1990

SSB 6771

C 138 L 90

By Committee on Energy & Utilities (originally sponsored by Senators Lee, Talmadge, Anderson, McMullen and Patrick)

Studying the placement of electric transmission lines and magnetic fields.

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities
House Committee on Appropriations

Background: In the past several years there has been an increase in the public discussion over the possibility of health effects from electric and magnetic fields. One common source of these fields is electric power lines.

Several major studies are now in progress in an attempt to better document the potential health effects of these fields. There appears to be a growing consensus that setting standards for exposure to these fields would be premature until the results of the studies are known.

At the same time, growing areas need to be served by additional electric power lines. Because of the different properties of electric and magnetic fields, the location of the line can be a major factor in the amount and type of public exposure to these fields.

Summary: A task force is created to recommend additional research needs for limiting human exposure to electric and magnetic fields from electric transmission and distribution lines. The task force consists of representatives from the state Energy Office, the Department of Health and the Utilities and Transportation Commission with the Department of Health designated as the lead agency. The task force is directed to solicit recommendations from utilities and experts within the state's higher education system on ways to limit human exposure to electric and magnetic fields. The task force is to recommend legislative options and the need, costs and funding options for additional research. The task force is to report to the Energy and Utilities Committees of the Legislature by January 15, 1992.

Appropriation: $40,000 from the general fund to the Department of Health

Votes on Final Passage:

Senate	45	0	
House	75	19	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate	44	0	(Senate concurred)

Effective: June 7, 1990

SSB 6776

C 166 L 90

By Committee on Law & Justice (originally sponsored by Senators Nelson and Talmadge)

Revising the Washington condominium act.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: The Washington Condominium Act (WCA) was adopted to address deficiencies in the Horizontal Property Regimes Act. The WCA differs substantially from the Horizontal Property Regimes Act. It sets forth detailed provisions for more flexibility to the developer of the projects; regulation of association operations; and protection of consumers

through disclosure in connection with both initial sales and resales of units and through construction warranties. In connection with the adoption of the WCA, the Washington Condominium Task Force was reconstituted for the purpose of reviewing, drafting recommended revisions, and preparing written comments to the act.

Summary: A declarant may prepare a single disclosure document which provides all the information required by the Washington Condominium Act.

The statute of limitations for a civil action is four years.

A condominium unit must be substantially completed and ready for occupancy prior to its sale unless the purchaser and seller specifically agree otherwise in writing.

A city or county may, by local ordinance, require that the public offering statement relating to any condominium conversion contain a copy of a written inspection report prepared by the city or county; that any violations disclosed by such a report be repaired prior to the conveyance of any residential unit within the conversion condominium; that any necessary repairs be warranted by the declarant for a period of one year following the completion of the repairs; that an escrow account be maintained during the one-year warranty period for the purpose of making repairs or satisfying warranty claims; and that relocation assistance in an amount not to exceed $500 be paid to any tenant who elects not to purchase a unit within the condominium.

All structural components and mechanical systems of the condominium must be substantially completed before the declaration can be recorded.

An association must prepare a financial statement in accordance with generally accepted accounting principles at least annually.

The list of information which must be furnished to a purchaser in connection with the resale of any condominium unit is amended to include any special assessments levied against the unit, past due financial obligations of the association, the annual financial statement of the association, and any other information reasonably requested by mortgagees of prospective purchasers.

An insurer must comply with the provisions of Chapter 48.18 RCW before modifying the amount or extent of the coverage of an insurance policy issued to an association.

Votes on Final Passage:

Senate	47	0
House	94	3

Effective: July 1, 1990

SB 6777

C 97 L 90

By Senator Madsen

Designating state route number 706 as "The Road to Paradise."

Senate Committee on Transportation
House Committee on Transportation

Background: State Route 706 runs from Elbe, Washington to the entrance of Mount Rainier National Park. Many motorists travelling to Crystal Mountain on Interstate 5 mistakenly take State Route 7 which joins with SR 706 to reach this destination. Designation of SR 706 as the "Road to Paradise" would provide notice that the road leads to Paradise Lodge at Mount Rainier.

Summary: State Route 706, beginning at a junction with State Route 7 at Elbe and progressing east to a southwest entrance to Mount Rainier National Park, is designated the "Road to Paradise."

Votes on Final Passage:

Senate	47	0
House	97	0

Effective: June 7, 1990

2SSB 6780

C 253 L 90

By Committee on Ways & Means (originally sponsored by Senators Newhouse, Hansen, Barr, Madsen, Bailey and Anderson)

Establishing farmworker housing inspection procedures and standards.

Senate Committee on Agriculture and Committee on Ways & Means
House Committee on Housing
House Committee on Appropriations

Background: A number of state and local agencies are currently responsible for the inspection and regulation of farmworker housing, including the State Board of Health, the Department of Health, the Department of Labor and Industries, the Employment Security Department and local health departments. There is no single entity responsible for farmworker housing in Washington. Parties interested in farmworker housing must deal with each agency separately and must

determine which set of standards applies to their case and under what conditions additional standards apply.

The State Board of Health has the authority to generate standards for farmworker housing and the necessary procedures for the inspection of that housing. The Department of Health administers the inspection program for the Board of Health. Board of Health rules apply to all farmworker housing labor camps which have five or more units located off-farm or on-farm if rented to anyone, employee or otherwise, at the going rental rate. The Board of Health has discretion in determining the minimum size of labor camps covered under its program.

The inspection program is funded by fees collected from housing providers in the form of a health and sanitation permit and survey charges. The health and sanitation permit is $50 plus $1.50 per housing unit. Permits are valid for two years. Survey charges are $5 for each unit in a labor camp up to 29 units or $150 for each camp with 30 or more units. Charges are assessed once per year.

The Washington Industrial Safety and Health Act (WISHA) applies to all farmworker housing provided free or at reduced rates to workers as part of their benefits. The Department of Labor and Industries administers the inspection under the WISHA rules for labor camps on a complaint basis.

The federal Employment and Training Administration rules apply to housing for workers imported through the Employment Security Department and housing built before March 1980, if growers in the latter case choose this coverage over WISHA. The Department of Health works with Employment Security to provide inspections under this program.

Summary: The Department of Health is established as the primary inspector of farmworker housing in Washington, with housing not covered by the State Board of Health rules to be inspected by the Department of Labor and Industries.

The Board of Health is directed to use WISHA labor camp rules as a minimum, but discretionary rulemaking and administrative activity will remain intact.

The Departments of Health, Labor and Industries, Community Development, Employment Security, and the Board of Health shall develop an interagency agreement defining the rules and responsibilities for inspection of labor camps. Also, the agreement shall develop a central information center for public information. A report on progress will be made to the Legislature by January 1, 1991.

A farmworker housing inspection fund is created. Annual licensing fees are set at $50 for labor camps with six or less units, and $75 for those with over six units, with monies to be deposited into the farmworker housing inspection fund.

The Department of Community Development is authorized to develop and make available model plans and construction manuals for farmworker housing, including, but not limited to seasonal housing for individuals and families, campgrounds, and recreational vehicle parks.

The Department of Community Development is directed to work with the Departments of Natural Resources, Transportation, and General Administration to identify and catalog underutilized state-owned land and property for possible leases. The Department of Community Development is authorized to work with local governing bodies and nonprofit organizations in securing long-term leases for the purpose of siting farmworker housing.

Counties are authorized to lease property for the purpose of siting seasonal or migrant farmworker housing for terms of up to 75 years.

$125,000 is appropriated from the general fund: $65,000 to the Department of Community Development to develop model plans and construction manuals for farmworker housing; and $60,000 to the Department of Health to administer the agricultural labor camp inspection program.

Votes on Final Passage:

Senate	43	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate	43	0	(Senate concurred)

Effective: June 7, 1990

SB 6802

C 164 L 90

By Senators Sellar, Vognild, Benitz, Bailey and McCaslin

Changing provisions relating to reduced utility rates for low income disabled citizens.

Senate Committee on Governmental Operations
House Committee on Energy & Utilities

Background: General purpose local governments — including counties, cities and towns — may set their own definitions for the purpose of providing reduced utility rates for low income senior citizens or low income disabled citizens. For public utility districts, the definitions of such persons are established by law.

In 1988, the PUD statute was amended to include reduced rates for low income disabled citizens who qualify for special parking privileges and the blind. It has been suggested that such rates be made available to low income persons with other disabilities.

Summary: The definition of low income disabled persons who may receive reduced rates from public utility districts is expanded to include any such persons who qualify as being disabled, handicapped or incapacitated under any other existing state or federal program.

Votes on Final Passage:

Senate	46	0
House	97	0

Effective: June 7, 1990

SB 6816

C 185 L 90

By Senators Anderson, Bailey and Barr

Exempting milk pumping from the special fuel tax.

Senate Committee on Agriculture
House Committee on Transportation

Background: Delivery trucks picking up milk from dairy farms may use pumps which are run by power take–off units. The operation of power take–off units does require the burning of fuel for a non–highway use.

Fuel used by power pumping units such as fuel trucks delivering fuel or heating oils is exempt from the fuel tax.

Summary: Fuel used by delivery trucks picking up milk from dairy farms with the use of pumps run by power take–off units is exempt from the fuel tax.

Votes on Final Passage:

Senate	44	1
House	91	6

Effective: June 7, 1990

SB 6822

C 141 L 90

By Senators Bluechel, Gaspard, Amondson and Barr

Exempting small timber harvesters from business and occupation tax.

Senate Committee on Ways & Means
House Committee on Revenue

Background: Persons who harvest timber for sale or commercial or industrial use from their own land, or from land of another under contract or for hire, are subject to the business and occupation tax upon "extractors" at a rate of 0.484 percent of gross proceeds. Persons who harvest 500,000 board feet or less in a calendar quarter or 1 million board feet or less in a year may be small woodlot owners or small for–hire loggers. However, this same category may often include persons clearing land for commercial, industrial, or residential development purposes. These persons are not primarily engaged in the business of growing or harvesting timber.

In order for persons in this latter group to satisfy their business and occupation tax obligation, they are frequently required to open an account with the Department of Revenue, obtain necessary Washington State business licenses, and apply for state and federal taxpayer identification numbers. Often in these cases the expense of registering with the department is greater than the amount of tax. The costs of processing the return by the department can also be greater than the amount of tax collected.

Summary: Persons who fell, cut, or take timber for sale or for commercial or industrial use in amounts not exceeding 500,000 board feet in a calendar quarter, and not exceeding 1 million board feet in a calendar year, and whose value of products, gross proceeds of sales, or gross income from the business is less than $100,000 per tax year, are exempt from the business and occupation tax.

Votes on Final Passage:

Senate	37	5	
House	93	4	(House amended)
Senate	39	3	(Senate concurred)

Effective: June 7, 1990

SSB 6827

C 260 L 90

By Committee on Energy & Utilities (originally sponsored by Senators Benitz, Kreidler, Bluechel, Madsen, Amondson, Anderson, Warnke and Saling)

Studying state–wide 911.

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities
House Committee on Appropriations

SSB 6827

Background: In Chapter 82.148 RCW, counties are allowed to fund an "emergency services communication system" by imposing an excise tax on each telephone line of up to 50 cents per month. This tax must be approved by the county voters, and renewed every six years. An "emergency services communication system" can include a radio or leadline communications network, such as a 911 telephone system.

A 911 telephone system allows the caller to be quickly linked with an emergency dispatch center. An enhanced 911 system (E911) allows the dispatcher to view the location of the caller on a video monitor.

Presently, six counties have an E911 system in place, covering a majority of the state's telephone access lines. A statewide system of E911 could contribute to increased safety and improved emergency response throughout the state. Statewide E911 could also aid in coordinating present emergency response efforts, resulting in a more efficient system.

Summary: The Washington Utilities and Transportation Commission (WUTC) shall study, by December 15, 1990, the feasibility of developing a statewide system of E911 telephone service. The study is to consider the ideal number of routing locations for 911 calls, the most efficient way of transferring emergency response information, cost estimates for continuing and initiating E911 programs, recommendations for state implementation of an E911 system, consideration of alternatives to E911 in areas where E911 is not practical, and recommendations for legislative action.

When conducting the study, the WUTC is directed to consult with any other ongoing studies of the state's emergency communication network.

The WUTC shall report on the results of the study to the Energy and Utilities Committees of the Legislature by January 18, 1991.

The WUTC is directed to create an advisory committee on E911 service to provide advice and information for conducting the study.

Appropriation: $50,000 from the public service revolving fund

Votes on Final Passage:

Senate	47	0	
House	97	0	(House amended)
Senate	42	0	(Senate concurred)

Effective: June 7, 1990

2SSB 6832

C 292 L 90

By Committee on Ways & Means (originally sponsored by Senators Nelson, Talmadge, Niemi and Rasmussen)

Authorizing a study of the state's juvenile rehabilitation system.

Senate Committee on Law & Justice and Committee on Ways & Means
House Committee on Human Services
House Committee on Appropriations

Background: Across the country, a variety of organizational approaches are utilized in the delivery of juvenile rehabilitation services. Some states consolidate adult and juvenile corrections while others utilize a human services cabinet agency or a separate agency for all children's services. Some states have a centralized model for the delivery of such services while others rely on a totally decentralized local community approach.

Juvenile rehabilitation programs in Washington State are provided through a combination of state and county services. Organizationally, state juvenile rehabilitation services are provided through the Department of Social and Health Services, Division of Juvenile Rehabilitation (DJR).

It has been suggested that an in-depth review of juvenile rehabilitation services is timely and appropriate since six years have lapsed since the last review and questions are emerging regarding the proper organizational structure and situs for delivering juvenile rehabilitation services.

Summary: The Office of Financial Management (OFM) is directed to conduct a juvenile rehabilitation study. The study is to review the mission and goals of the state's juvenile rehabilitation system, make recommendations regarding the roles of the various juvenile justice agencies in meeting the mission of the juvenile justice system, review and make recommendations on the Division of Juvenile Rehabilitation's comprehensive plan. The study is also to recommend what organizational structures would best protect public safety, make the best use of juvenile and criminal justice agencies, and which promote the mission of the juvenile rehabilitation system. The Office of Financial Management is to report its findings to the Legislature by December 1, 1990.

The Office of Financial Management is to form an advisory committee that includes the Secretary of the

Department of Social and Health Services, the Secretary of the Department of Corrections, a law enforcement representative, a county legislative official, two juvenile court administrators, a prosecuting attorney, a public defender who practices juvenile law, a community based treatment provider, two members of the Senate and two members of the House, and one representative from a citizen advisory group.

The bill is made contingent upon funding in the state budget.

Votes on Final Passage:

Senate	49	0
House	96	1

Effective: June 7, 1990

SB 6834

C 187 L 90

By Senators Sellar, Conner, West, McDonald and Bauer

Establishing a basic health care plan for small business employees.

Senate Committee on Financial Institutions & Insurance and Committee on Ways & Means
House Committee on Health Care

Background: Health insurance policies issued in the state of Washington are required to cover treatment by specified health care providers and certain types of treatment. These requirements appear in the statute that regulates disability insurance policies, health care maintenance agreements and health care service contracts. These mandated benefits must be included in the majority of policies issued by any insurance company, health maintenance organization or health care service contractor.

It has been suggested that because of the numerous mandates that are contained in state law, it is difficult for small businesses to purchase insurance for their employees. As a result, many people working for small business are left without medical insurance coverage. It has also been suggested that if a basic health insurance product were available, more small businesses would be able to afford insurance for their employees.

Summary: A basic group disability policy, health care service contract or health maintenance agreement may be offered to employers of fewer than 25 employees. The basic contract, policy or agreement must provide coverage for hospital expenses and services rendered by a licensed physician or doctor of osteopathic medicine. The basic policy, contract or agreement is not subject to any of the statutes mandating coverage for specified practitioners or procedures. The requirements that a child be covered from birth and after the age of eligibility when the child is incapacitated remain. The requirement that adopted children be covered also applies to the basic health program.

An insurer may offer and a purchaser may seek benefits in excess of the basic program that is authorized. The Insurance Commissioner must approve all forms, policies and contracts. Rates for any basic plan must be reasonable in relationship to the benefits included in the plan.

The Insurance Commissioner is required to collect data from insurers, health care service contractors and health maintenance organizations relating to the basic programs sold. The data collected must include the number of groups purchasing coverage, the number of insured persons, subscribers, members and their dependents, and the rate and rate increases of the coverage. The Insurance Commissioner is required to provide by November 1, 1992 a written summary of the data to the Governor, appropriate legislative committees and other interested parties.

The basic group health plan authorized may not supplant an existing policy. The right of employees to collectively bargain for insurance benefits in excess of the basic program authorized is not restricted.

Votes on Final Passage:

Senate	43	6
House	97	0

Effective: June 7, 1990

SB 6839

C 277 L 90

By Senator Barr

Providing for protection of the Kettle River.

Senate Committee on Environment & Natural Resources
House Committee on Natural Resources & Parks
House Committee on Appropriations

Background: The Kettle River was under study by the State Parks and Recreation Commission as a candidate scenic river for the State Scenic Rivers Program. It is located in northeastern Washington, with its U.S. segments in Ferry and Stevens Counties. The commission considered the degree of public support and concern for specific rivers which were eligible for the Scenic Rivers Program and concluded that the Kettle River should not be proposed for inclusion in the program.

Summary: Communities of the state are encouraged to join on a regional basis to implement the state's policy that rivers of the state which possess outstanding natural, scenic, historic, ecological, and recreational values of present and future benefit to the public shall be preserved in as natural condition as practical.

The commissioners of Ferry and Stevens Counties shall agree to adopt and implement a management program for lands on that section of the Kettle River flowing through or adjacent to those counties. The State Parks and Recreation Commission shall provide technical assistance in the development of the management program. The counties shall submit an agreed upon program to the commission no later than January 1, 1991 for review and comment. The state Parks and Recreation Commission shall review and provide comments on the management program developed by the counties by March 31, 1991. The counties shall adopt a final management program no later than June 30, 1991.

The costs to the counties for the establishment of the joint Kettle River management program shall be offset by appropriations in the amount of $30,000 from the general fund to the Parks and Recreation Commission for the biennium ending June 30, 1991. The commission shall retain 10 percent of the funds to offset administrative costs and costs associated with providing technical assistance.

Appropriation: $30,000

Votes on Final Passage:

Senate	43	0	
House	97	0	(House amended)
Senate	43	0	(Senate concurred)

Effective: June 7, 1990

SSB 6859

C 255 L 90

By Committee on Ways & Means (originally sponsored by Senators McDonald, Gaspard, Hayner, Vognild, Bluechel, Sellar, Warnke, Saling, Owen, Cantu, Amondson, Johnson, Moore, Newhouse, Smith, Bauer and Sutherland)

Clarifying the tax status of computer software.

Senate Committee on Ways & Means
House Committee on Revenue

Background: All property, both real and personal, is subject to property taxation unless specifically exempted. Personal property is defined to include all goods, chattels, stocks, estates or moneys and all property of whatever kind, name, nature and description which the law may define or the courts declare to be personal property for purposes of taxation. This includes both tangible and intangible property.

Tangible property are things having a physical existence such as desks, file cabinets, and equipment. Intangible property are things not having a physical existence, such as copyrights and patents. Current law exempts some intangible property, including money, mortgages, certificates of deposit, and judgments.

While acknowledging that courts in nearly all states considering the subject have held computer software to be intangible, the State Board of Tax Appeals ruled in 1989 that computer software was taxable because it did not fall within the list of exempted intangibles.

Summary: For 1991 taxes, county assessors are directed to list and assess computer software in the same manner and to the same extent as they did in 1989.

The Department of Revenue is directed to study the taxation of computer software with an emphasis on policy implications involved with developing clear definitions of software that should be taxable and software that should be exempt.

To perform the study, the department is required to form a committee with balanced representation from different segments of government and industry.

The Department of Revenue is directed to report the findings of the committee to the legislative committees on revenue by November 30, 1990.

Votes on Final Passage:

Senate	45	0	
House	94	0	(House amended)
Senate	43	0	(Senate concurred)

Effective: March 28, 1990

SB 6862

C 142 L 90

By Senators McMullen, Metcalf, Amondson and Sutherland

Creating the Washington hardwoods commission.

Senate Committee on Environment & Natural Resources
House Committee on Trade & Economic Development

Background: Washington's forest products industries play a key role in the state's economy. Traditionally

these industries rely upon soft woods such as fir, hemlock and spruce. As the timber industry matures and diversifies, new uses are being found for woods such as western red alder and maple which grow in western Washington. Some of these uses include furniture manufacturing, woodcrafting, and pulp for paper products. There is a need to manage and enhance the hardwood resource and to develop new products and markets.

Summary: The Legislature recognizes that the state's economy is directly tied to the development and management of forest industries and that it is the Legislature's responsibility to enhance and promote the expansion of the hardwood industry. The development of hardwood forests and forest products will require multispecie sustained-yield management plans for industrial and nonindustrial timber tracts. The state will need to develop a product and markets for all grades of hardwoods and provide a stable and predictable tax program for new and existing businesses. The Legislature recognizes that there should be a continuing effort toward full utilization of hardwood forests and development of the hardwood products industry.

A seven-member Washington Hardwoods Commission is created. The members shall be from the hardwood industry and shall be initially appointed to staggered terms by the Governor. Three members shall be appointed for a two-year term, two members for a three-year term and two members for a four-year term. The Hardwoods Commission will, by January 1, 1991, develop a method of electing board members to replace the appointed members. Each board member will serve until the election of his or her successor. Five voting members constitute a quorum for transaction of business. Each member of the commission shall be a resident of the state of Washington and over the age of 21.

The commission may assist in the retention, expansion and attraction of hardwood related industries. The commission will coordinate efforts to promote the expansion of the hardwood forest industry on both state and federal lands. The commission will assist in developing products and markets for varied species and grades of hardwoods. The commission will study and make recommendations to the Legislature on a tax program that will attract new firms and promote stability of the existing firms using hardwood. The commission will develop an enhancement and protection program that will reduce waste and respect environmental sensitivity. The commission will develop financial assistance programs from public and private moneys for the attraction and expansion of primary, secondary and tertiary processing facilities, and will work with the Department of Natural Resources to develop the best management practices for hardwood resources.

The commission will elect its own chair and establish its own rules of operation. The commission will elect a treasurer who will be responsible for receipts and disbursements by the commission. The treasurer's discharge of his duties will be guaranteed by a performance bond at the expense of the commission. The commission will adopt its own rules of operation and may employ and discharge managers, secretaries, agents, attorneys and other employees and staff, and may engage the services of independent contractors, prescribe their duties and fix their compensation. The commission will maintain an account and may deposit moneys in the account and expend moneys for purposes authorized by law. The commission will keep accurate records of all receipts, disbursements and other financial transactions in accordance with principles of accounting established by the State Auditor. The files of the commission will be available for audit by the State Auditor.

The obligations and liabilities, or claims against the commission will be enforced against the assets of the commission as if it were a corporation and there is no liability for debts or actions of the commission against its individual members or employees. Employees or commission members will not be held individually responsible for any act or omission of another member.

Permanent funding of the Washington Hardwoods Commission will be based on agricultural commodity assessments and shall be levied by the commission on processors of hardwoods. The commission will determine by December 31, 1990 a method and rate of assessment and will report to the natural resources and revenue committees of each house of the Legislature.

Votes on Final Passage:

Senate	45	0
House	97	0

Effective: March 22, 1990

SB 6866

C 113 L 90

By Senator Barr

Changing fee amount for research for field and turf grass seed production.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: Funding for research for field and turf grass production alternatives is provided through assessments paid by growers. Currently, the growers pay 50 cents per acre. The funds are utilized by the Department of Ecology to conduct research on alternatives to reduce emissions from burning of grass straw.

Summary: The per-acre assessment is increased from 50 cents to $1.00 per acre.

Votes on Final Passage:

Senate	47	0
House	97	0

Effective: June 7, 1990

SSB 6868

C 122 L 90

By Committee on Children & Family Services (originally sponsored by Senators Stratton, Smith, Bailey, Vognild, Talmadge, Craswell, Owen, McMullen, Saling and West)

Modifying guardianship provisions regarding incapacitated persons.

Senate Committee on Children & Family Services
House Committee on Judiciary

Background: The Legislature enacted the guardianship statutes to protect people who have limited capabilities to govern their financial affairs or take care of themselves. It has come to light that many people for whom a guardianship has been performed have been financially exploited by their court appointed guardians. It is also believed that the existing laws do not restrict guardianships to situations where they are truly appropriate and do not contain enough standards and specificity to promote responsible and beneficial behavior on the part of those involved in the guardianship process.

Summary: Legislative intent emphasizes guardianships are utilized only when clearly warranted and are to be fashioned such that a person's liberty and autonomy are restricted to the minimum extent necessary.

The terms "incompetent" and "disabled" are replaced with "incapacitated" which is defined as having a significant risk of personal harm based upon a demonstrated inability to adequately provide for nutrition, health, housing, or physical safety. A person is incapacitated as to estate when there is significant risk of financial harm based upon demonstrated inability to adequately manage property or financial affairs.

In the petition for guardianship or limited guardianship, an explanation must be included as to why no alternative to guardianship is appropriate. If the petitioner proposes a particular person to act as guardian ad litem there must be a description of the person's relationship to any of the parties and a statement as to why that person is suggested.

Notice that a guardianship proceeding has been commenced and a copy of the petition must be personally served on the alleged incapacitated person (AIP) not more than 15 days after the petition has been filed. The notice must contain a clear and easily readable statement of the legal rights which may be in jeopardy as well as notice that the AIP has a right to counsel and a jury trial.

The AIP must be present in court at the final hearing on the petition unless this is waived by the court for good cause other than mere inconvenience. The AIP has a right to counsel and the court will provide counsel at public expense if the AIP is unable to afford one or if the expense would result in a substantial hardship. If the AIP has no practical access to funds, the court will appoint counsel and has the discretion to impose a reimbursement requirement in the final order.

A report from a physician or a psychologist who has personally examined the AIP within the last 30 days must be provided to the court before a guardian or limited guardian may be appointed. The report is required to contain certain information in a specified format.

A registry of people who are willing and qualified to serve as guardians ad litem must be assembled by the superior court of each county by September 1, 1991. The court is directed to choose a guardian ad litem from this list except in extraordinary circumstances. In order to be eligible for this registry, a person must submit certain information and complete a training program approved by the court. A model guardian ad litem training program will be developed by an advisory group consisting of individuals and representatives from qualified and knowledgeable organizations. The required duties of the guardian ad litem are specified as well as the content of the written report which is to be filed within 20 days of appointment of the guardian ad litem and at least ten days before the hearing on the petition.

Within three months after appointment, the guardian or limited guardian must file an inventory of all of the property of the AIP and must annually file a verified account of the administration of the guardianship assets. The information which must be contained in the account is specified. The court in its discretion may

allow the accountings at intervals of up to 36 months for estates having a value of not more than twice the homestead exemption, exclusive of real property. Any substantial change in income or assets of the guardianship estate must be reported to the court within 30 days and a review hearing scheduled. The guardian or limited guardian must also file, within three months of appointment, a personal care plan for the AIP. The information which must be contained in the personal care plan is described. Guardians and limited guardians are not compensated at public expense.

A bank, trust company, savings and loan association or insurance company must forward a report to the court whenever it provides a guardian access to an asset of an AIP. The information which must be contained in the report is specified. Contents of a safety deposit box belonging to an AIP must be inventoried before being released to the guardian and a copy of the inventory must be attached to the report to the court.

All children of the alleged incapacitated person who are not residing with a notified person must receive notice of the hearing for appointment of a guardian or limited guardian. They must also be sent a copy of the guardian ad litem report.

For the purpose of giving informed consent for health care, an "incompetent" person is a person who is unable to manage his or her property or provide personal care due to mental illness, developmental disability, senility, habitual drunkenness, excessive use of drugs, or other mental incapacity.

Notice that a guardianship proceeding has been commenced shall include a clear and easily readable statement written in capital letters, double-spaced and in a type size not smaller than ten-point type.

If a court determines that a person is incapacitated and that a guardian or limited guardian should be appointed, the court must also determine whether the incapacity is a result of a developmental disability and whether it can be expected to continue indefinitely.

If the court finds that a person is incapacitated as a result of a developmental disability that is expected to continue indefinitely and the person's estate has a value, exclusive of real property, of not more than twice the homestead exemption, the court may allow the guardian or limited guardian to file their reports at intervals of up to 36 months. The court may also waive or modify other reporting requirements that the court considers unduly burdensome or inapplicable.

When a court imposes a full guardianship for an incapacitated person, the person is considered incompetent for purposes of exercising the right to vote unless the court specifically finds that the person is rationally able to exercise the right to vote. An incapacitated person for whom a limited guardianship has been imposed may lose the right to vote if the court determines that the person is incompetent for purposes of exercising the right to vote. A guardian ad litem must provide the court with a written report which includes an evaluation of the incapacitated person's mental ability to rationally exercise the right to vote and the basis upon which the evaluation is made.

Votes on Final Passage:

Senate	45	0	
House	94	0	(House amended)
Senate	43	0	(Senate concurred)

Effective: July 1, 1991

SSB 6880

C 256 L 90

By Committee on Governmental Operations
(originally sponsored by Senators Rinehart, McCaslin and Niemi)

Limiting the disclosure of business and residential locations.

Senate Committee on Governmental Operations
House Committee on State Government
House Committee on Appropriations

Background: Current law regarding the disclosure of public records exempts certain information to prevent an unreasonable invasion of personal privacy rights when such information is not of legitimate concern to the public.

Summary: The work and home addresses of a person shall remain undisclosed or be omitted from all documents made available for public review if that person so requests in writing and under oath that disclosure of these addresses would endanger his or her life, physical safety or property.

The Secretary of State shall administer this provision and establish the procedures and rules that are necessary for its operation.

An agency is not liable for damages resulting from disclosure if a request for nondisclosure has not been furnished to the agency. A request for nondisclosure is not effective unless it designates the Secretary of State as agent of the requester for purposes of service of process.

A positive duty of an agency to disclose or withhold information is not affected if that duty is contained in any other law.

Votes on Final Passage:

Senate	47	0	
House	97	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: June 7, 1990

SB 6897

C 293 L 90

By Senators Patterson, Bender and Murray

Funding a headquarters facility for the department of transportation.

Senate Committee on Transportation
House Committee on Rules

Background: The Department of Transportation (DOT) district one headquarters facility is currently located at the Eastgate complex in Bellevue. The lease on this facility expires in June 1992. In order to have adequate lead time to find a replacement, the DOT began investigating a variety of options in the spring of 1989.

Options considered included continuation of the current Eastgate lease, purchase of the Eastgate complex, generic design/build plans at various industrial parks and purchase of one of a number of existing structures.

After analyzing initial and 50–year life cycle costs, the DOT and the Transportation Commission recommended buying the Blue Cross building in North Seattle. Nonfinancial considerations were also included such as location, parking, access to public transportation, adequate work space, cafeteria amenities, and housing and day care provisions.

Summary: The DOT has obtained a 90–day option to purchase the Blue Cross building subject to legislative approval. A general obligation bond bill for $15 million is requested. Motor vehicle fuel and special fuel excise taxes are pledged to the payment of the principal and interest of the bonds.

A loan of up to $15 million will be made from the motor vehicle fund to the transportation capital facilities account in the 1990 supplemental budget to cover the initial costs of purchasing the facility. This loan will be repaid to the motor vehicle fund when bonds are actually sold, probably in the winter of 1992.

Votes on Final Passage:

Senate	47	0
House	92	5

Effective: March 29, 1990

SB 6906

C 12 L 90 E1

By Senator Nelson

Making minor adjustments to chapter 3, Laws of 1990, concerning criminal offenders.

Background: During the 1990 Regular Session, the Legislature passed a comprehensive bill concerning sex offenders and their victims (2SSB 6259). The Governor signed the bill into law (Chapter 3 Laws of 1990). After the bill was signed, some technical corrections were suggested to improve the bill. (1) During the amendatory process, the definition of "sexual motivation" was changed governing adult offenders; a similar change was not made in the definition governing juveniles. (2) The civil commitment provisions contained a definition of "sexually violent offense" which was intended to pertain to acts that were committed before, on, or after July 1, 1990; however, parallel references to the effective date were not made throughout the provision. (3) An internal cross reference to the provision governing sexual motivation was not changed to correspond to a new section number.

Summary: Technical corrections are made to Chapter 3, Laws of 1990 (2SSB 6259), the criminal offender bill concerning sex offenders and their victims. The technical corrections include cross reference changes, consistent definitions of "sexual motivation" and clarification of the retroactive application of "sexually violent offenses."

Votes on Final Passage:

First Special Session

Senate	45	0
House	93	0

Effective: July 1, 1990

SJM 8003

By Senators Conner, Bender, Madsen, DeJarnatt and Murray

Requesting that the practice of railroad holding tanks dumping on the right of way be discontinued.

Senate Committee on Transportation
House Committee on Transportation

Background: The federal Public Rail Passenger Service Act exempts from state control the practice of roadway dumping of holding tanks by Amtrak trains. Persons who work along the right of way argue that this dumping creates a health and safety problem for

railway employees and others who use the railroad right of way.

Summary: The President and the Congress of the United States are memorialized to ensure that Amtrak install holding tanks for all waste on rail cars and that those tanks be relieved through proper waste disposal methods at terminal areas. It is further requested that these holding tanks be of sufficient capacity to prevent future dumping of tanks on railroad rights of way. Copies of the memorial are to be transmitted to the President of the United States, President of the Senate, the Speaker of the House, and each member of the Washington congressional delegation.

Votes on Final Passage:

Senate	46	0
House	96	1

SJM 8017

By Senators DeJarnatt, Smith, Sutherland, Bauer, Newhouse, Sellar, Hayner, Benitz, Hansen and Barr

Resolving to commemorate the 200th anniversary of the discovery of the Columbia river.

Senate Committee on Environment & Natural Resources
House Committee on Commerce & Labor

Background: Captain Robert Gray discovered the Columbia River in 1792. In 1992 a celebration will be held to honor the 200th year since exploration occurred.

Summary: The citizens of Washington and Oregon are informed of the upcoming celebration and urged to share in the fun of the event.

The celebration is coordinated with the Washington State Historical Society, the Oregon State Historical Society, and the International Committee for the celebration of the Maritime Bicentennial.

Votes on Final Passage:

Senate	40	0	
House	97	0	(House amended)
Senate	45	0	(Senate concurred)

SJM 8018

By Senators Conner, Rasmussen and Saling

Requesting congress to pass legislation concerning taxation of pensions.

Senate Committee on Ways & Means
House Committee on Revenue

Background: Many people who have retired to Washington from states with income taxes have discovered that they must pay income tax to their state of former residence on their retirement income. Many times the retiree was unaware of any tax liability and is being assessed for back taxes. Because improvements in computer technology have made it easier to find nonresident pensioners, many states, including California and Oregon, are now actively pursuing this source of income.

These income taxes are based upon a state's power to tax income that has its source within its borders, regardless of the state of residence of the recipient.

Under bills introduced in Congress recently, only the state of residence may tax pension income.

Because a state can constitutionally tax income that has its source within its borders, federal congressional action is the most effective means to deal with this problem.

Summary: The President and Congress are requested to support H.R. 1227, S. 434, or other legislation which permits the taxation of pension income only by the state of residency.

Votes on Final Passage:

Senate	46	0
House	97	0

SJM 8019

By Senators Benitz, Hansen, Newhouse, Stratton, Hayner, Bluechel, Metcalf and Vognild

Requesting Congress to locate the plutonium–238 mission at Hanford.

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities

Background: The Fast Flux Test Facility (FFTF) at Hanford is a multi–purpose research reactor plant. On line since 1982, the FFTF has operated at 97 percent efficiency. Because of its versatile design, several irradiation test programs can be conducted concurrently.

The United States Department of Energy is considering where to locate the plutonium–238 production mission. The plutonium–238 mission is focused on isotope production for long–range space missions of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

Summary: The United States Department of Energy is urged to continue the present mission of the Fast Flux Test Facility, and to locate the plutonium–238 mission at the reactor plant.

Votes on Final Passage:

Senate	39	2
House	94	0

SJM 8020

By Senators Thorsness, Vognild, Nelson, Bender, Amondson, Gaspard, Metcalf, Patterson, Conner, Benitz, Wojahn, Cantu, Bauer, Saling, Warnke, Johnson, Barr, Stratton, Bluechel, Smith, Kreidler, Anderson, Moore, Newhouse, Craswell, Bailey, Sellar, Sutherland, Madsen, Murray, Talmadge, West, Rasmussen, Patrick, von Reichbauer, Lee and Fleming

Requesting Congress to make disclosure regarding missing in action/prisoner of war Americans.

Senate Committee on Rules
House Committee on State Government

Background: Despite repeated requests by individuals and concerned organizations, a number of federal agencies have refused to disclose identification and other types of pertinent information relating to prisoners of war (POWs) and military personnel missing in action (MIAs) from World War II and the Korean or Vietnam conflicts. H.R. 3603, now before the U.S. House of Representatives, would require that all such information be released, with the exception of data which could compromise the national security or which would violate privacy of personal information.

Summary: In considering H.R. 3603, Congress is requested to take into account the concerns of the people of Washington, including:

- Disclosure would assist effective examination of the nation's past and provide a more complete and accurate factual basis upon which to develop future policy;
- Disclosure would allow future generations to pay tribute to their fellow Americans who were and still may be prisoners of war or missing in action, from World War II, or from the Korean and Vietnam conflicts; and
- Disclosure could contribute to peace of mind for loved ones and possibly assist in securing the return of surviving prisoners of war.

Votes on Final Passage:

Senate	39	0
House	95	0

SJM 8023

By Senators Amondson, Sutherland, Anderson, Barr, Murray, McMullen, von Reichbauer, Lee, Patterson, Johnson, Vognild, DeJarnatt, Patrick, Madsen, Bauer, Sellar, Smith, Saling, Owen, Stratton, West, Moore, Newhouse, Kreidler, McDonald, Warnke and Hayner

Pertaining to forest lands.

Senate Committee on Environment & Natural Resources
House Committee on Natural Resources & Parks

Background: There has been a reduction of United States Forest Service timber harvesting lands, especially on the Olympic Peninsula. This negatively affects the availability of timber for many mills.

Summary: There are 17,700,000 acres of commercial forest land in Washington State and 51 percent of this land is publicly owned. The federal government owns 5.2 million acres. At the present time 2,337,000 acres of commercial forest land managed by the agencies of the United States government have been withdrawn for parks, wilderness areas, and the protection of various species.

The United States Forest Service has demonstrated that the national forests in Washington have the capacity to provide a benchmark volume of 1.5 billion board feet of timber annually when managed on a sustained yield multiple-use basis. The Forest Service planning process has not fully considered the needs of communities dependent on timber production. The historical average timber sale volume from Washington natural forests for the last five years has been 1.2 billion board feet, or 30 million board feet less than the benchmark volume.

The National Forest Management Act plans that are being finalized for Washington national forests propose a further 33 percent reduction in harvest levels. Proposals before Congress call for the withdrawal of up to an additional 40 percent of federal harvestable timber lands. These withdrawals are inconsistent with 50 year-old federal government promises made to communities who base their livelihoods on timber from these lands. The reduction of valuable timber cannot be made up from the sale of additional timber above sustained yield levels from private lands or from state trust lands.

The forest products industry is the second largest employer in the state of Washington. Approximately 180,000 Washington citizens are dependent on forests for their livelihood. The Governor's office has estimated that a 43 percent decline in the Forest Service

harvest level could result in a worst–case one–time job loss impact of over 18,000 jobs.

The social and economic infrastructures of many rural counties and communities in Washington are highly dependent on the forest products industry. Timber from federal forest lands has historically contributed more than 20 percent of the raw material for the state's forest products industry, and federal forests supply the majority of raw material to the forest industries in many communities. The reduction in federal timber harvest will significantly reduce revenues to the state of Washington from virtually all of its major revenue sources: sales taxes, business and occupation taxes, and timber harvest excise taxes. Reduction of the federal timber sale receipts and the property tax that support schools and county government will also have a negative economic impact. Federal, not state decisions, are drastically affecting the timber industry and those jobs associated with it. The United States Forest Service has been unable to ensure stability in timber supply or a stable long–term management of our nation's forests.

The Legislature requests that:

(1) Congress recognize its historic commitment to timber processing communities and maintain a harvestable national forest acreage base that will sustain traditional, predictable and historical average annual timber sales levels;

(2) Congress focus its attention to providing funds and direction to the Forest Service to achieve silviculturally sound management of forest lands, and to fully utilize those lands to produce wood for the nation;

(3) Congress recognize the investment that communities have made based on the belief that the Forest Service lands would produce a relatively stable timber supply, and that deviations from this historical sales level may cause forest–dependent communities economic and social distress;

(4) Congress appropriate funds to assist local communities affected by the reduction in historic timber sales, and that these funds be used for economic diversification, modernization of mills, and encouragement of additional wood products manufacturing in Washington;

(5) Congress, in its commitment to protecting some lands from timber harvesting, also practice innovative forest management on lands not suited to traditional timber harvesting, and use timber management practices on the remaining forest land base which will produce the highest possible timber yields consistent with prudent land management;

(6) Congress amend the National Forest Management Act planning process to recognize economic needs of people, communities and consumers, and consider their needs along with environmental protection; and

(7) Congress enact capital gains and other tax legislation specifically related to the timber industry which will encourage, rather than discourage, investment in timber production on private lands.

Votes on Final Passage:

Senate	39	5	
House	70	27	(House amended)
Senate	38	7	(Senate concurred)

SJM 8025

By Senators von Reichbauer, Moore and Sutherland

Petitioning Congress to support the earthquake project.

Senate Committee on Financial Institutions & Insurance

House Committee on Financial Institutions & Insurance

Background: Recent evidence suggests that Washington State's geological composition is capable of producing major seismic activity. In addition, the potential for a catastrophic earthquake in the United States has raised nationwide concern about the financial impact of such an occurrence and the ability of the impacted region to rebuild.

Congress is considering a proposal that would establish a prefunding mechanism to set aside funding for relief in the event of a catastrophic earthquake. The proposal, entitled the Federal Earthquake Insurance and Reinsurance Act or "The Earthquake Project," creates a two–tiered system to provide primary coverage to homeowners and reinsurance in the event of a catastrophic event. It is projected that earthquake insurance premiums would be reduced between one–half to one–third because of the risk spreading requirements contained within the proposal.

Summary: The Washington State Legislature recognizes the previous seismic activity in this region, the potential for continued activity in the future, and the

serious financial impact accompanying an earthquake. Moreover, the Legislature expresses its support for congressional endorsement of The Earthquake Project.

Votes on Final Passage:

Senate	47	0
House	94	0

2SSJR 8212

By Committee on Ways & Means (originally sponsored by Senators Lee, Williams and Fleming)

Amending the Constitution to allow property devoted to low-income housing to be taxed based on its current use value.

Senate Committee on Economic Development & Labor and Committee on Ways & Means
House Committee on Housing
House Committee on Revenue

Background: Under the state Constitution, real property must be taxed according to the valuation of its highest and best use. Exceptions to this rule are listed in Article VII, Section 11 and include farm and agricultural land, standing timber and timberlands, and open space lands.

Taxing residential real estate at highest and best use, particularly inner city multi-family housing, encourages owners to redevelop their property to secure the highest possible revenue in order to cover the tax burden. This rule discourages owners of low-income housing from maintaining their property for that use.

Summary: Property devoted primarily to low-income housing, containing five or more low-income dwelling units, and that complies with health and safety standards is added to the list of properties in Article VII, Section 11 of the state Constitution that may be assessed at an amount based on their current use. Enabling legislation and approval by the voters is required.

Votes on Final Passage:

Senate	28	18	
Senate	46	3	(Senate reconsidered)
House	92	2	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Free Conference Committee			
House	94	3	
Senate	46	0	

SSCR 8429

By Committee on Children & Family Services (originally sponsored by Senators Smith, Vognild, Bailey, Stratton and Conner)

Creating the Washington State Adoption Commission.

Senate Committee on Children & Family Services
House Committee on Human Services

Background: During the 1989 interim, the Senate sponsored an adoption study committee made up of adoption experts who were asked to review and make recommendations for necessary changes to current adoption laws.

Many of the adoptions which take place in Washington are done by independent adoption facilitators who are usually attorneys or doctors. Neither professional group has any formalized education or training requirements for handling adoptions. They are required only to follow very basic procedures in the adoption statute. Adoption experts believe the families involved in independent adoptions would greatly benefit if the facilitators were educated about, and required to provided for, various pre- and post-adoption services.

After many meetings and discussions by the study committee, it was determined that these standards of practice issues would take more thorough review than time allowed. It was also realized that reaching consensus would be difficult with a study committee where there were no appointed decision makers. The committee recommended that a formal adoption commission be set up to hear possible solutions to this problem and make recommendations for change.

Summary: The Washington State Adoption Commission is created to establish guidelines for minimum standards of practice for adoption. The Department of Social and Health Services, the Office of Administrator for the Courts, the Washington State Adoption Council, the Washington State Bar Association and the Washington State Medical Association are asked to assist the Senate in this effort and appoint representatives to the commission. Two Senators and two House members are also to be members.

The Department of Social and Health Services is to appoint two representatives to the commission from licensed private adoption agencies. It is specified that one member is to be from eastern Washington and one is to be from western Washington and they must also represent infant, minority, special needs, in-country and out-of-country adoptions.

Funding for the per diem and travel expenses of the commission is to be paid jointly by the Senate and the House of Representatives.

A report to the Legislature is to be made by December 1990.

Votes on Final Passage:

Senate	48	0	
House	96	0	(House amended)
First Special Session			
Senate	49	0	
House	Adopted		

SCR 8437

By Senators Patrick, Talmadge, Rasmussen, Vognild and Lee

Resolving to study the development of a wayport in Grant county and high-speed transportation.

Senate Committee on Rules

Background: The Seattle-Tacoma Airport is now projected to reach operational capacity by 1995. There are rising concerns over public safety, the environment, and noise pollution in this congested urban area.

Grant County Airport in Moses Lake has four runways, two in excess of 10,000 feet, with room for expansion on 4,500 acres. The development of this airfield facility would permit planners to use already sited land space and runways with relatively low development costs and minimum safety hazards and congestion problems.

Wayports and the technology for super speed magnetic-levitation trains are presently being operated and refined in Japan and Germany.

In Washington State, an east/west interconnect by a high speed rail system traveling at 280 MPH will take approximately 45 minutes.

Summary: A super speed train operating primarily on existing rights of way along I-90 and I-5 would provide a better link between eastern and western Washington and an increase in economic development across the state.

The Legislative Transportation Committee shall undertake and complete a study by no later than November 1, 1991. The study shall investigate the development of a wayport in Grant County. It shall also consider the utilization of super speed magnetic levitation trains or other forms of high speed transportation along the I-5 and I-90 corridors, including the utilization of complementary transportation systems.

Votes on Final Passage:

Senate	Adopted	
House	94	0

SCR 8440

By Senators Bluechel, Hayner and Vognild

Establishing a Leadership conference.

Background: The Washington State Legislature and the Northwest Policy Center at the University of Washington conducted a Northwest Leadership Forum in October of 1989. The forum was attended by approximately 55 legislative leaders and members from the states of Washington, Alaska, Idaho, Montana, and Oregon, and the two Canadian provinces of Alberta and British Columbia. The purpose of the event was to review the feasibility of increasing the level of regional cooperation among Pacific Northwest states and provinces. During the course of the forum, numerous recommendations regarding regional cooperation were developed including: expanding technology's role in economic development; increasing access to capital; advancing education through telecommunications; meeting the Northwest's education and training needs; ensuring low cost energy; protecting the region's environment and quality of life; reducing hazardous waste at its source; enhancing the region's tourism potential; and improving international markets for agricultural products.

The conference attendees also agreed to: examine the feasibility of forging greater cooperative efforts within the region; develop an inventory of existing cooperative relationships throughout the Pacific Northwest; and explore the establishment of a comprehensive system of regional cooperation along with the possibility of holding future conferences.

Summary: The Senate and House of Representatives resolve to: continue the investment of time and resources in the pursuit of regional cooperative efforts that will provide benefits to the citizens, business and general economy of the Pacific Northwest; and hold a conference in Seattle, Washington in the fall of 1990 to continue the ongoing discussion and examination of regional cooperation.

Votes on Final Passage:

Senate	41	0
House	96	0

SCR 8444

By Senators Wojahn, Vognild, Warnke, Bauer, Rasmussen, McDonald, West, Madsen, Talmadge, Fleming, Lee, Sellar, Smith, Johnson, Niemi, Craswell, Owen, Williams, Cantu, Saling, Newhouse and Moore

Requesting a legislative proposal for management of disabilities trust land.

Background: In 1874, a 374 acre parcel at Fort Steilacoom was donated to the Territory of Washington "for the use and purpose of an asylum for the insane of said territory and for no other purpose." This land became the site of the territory's first mental institution — Western State Hospital.

Since that time, the state has purchased or has been given thousands of acres of additional land for purposes related to the care of the mentally ill, the developmentally disabled and others. The largest asset is 200,000 acres given to the state by the federal government at the time of statehood. It is known as the Charitable, Educational, Penal and Reformatory Institution Trust. Only 73,000 acres remain in the trust which is administered by the Department of Natural Resources. These timber and farm lands presently generate some $2 million to $4 million per year which is used to finance various capital expenditures in the Department of Social and Health Services (DSHS), Department of Corrections, community colleges and other agencies. Other land is managed by DSHS, the Department of General Administration or the Department of Natural Resources. DSHS alone owns 3,778 acres. On some of the land, state hospitals, habilitation centers for the developmentally disabled and other DSHS facilities operate. Hundreds of acres are unused, or are leased at nominal rents for parks, golf courses and other public purposes.

During its 1988 interim study on residential care for the mentally ill, the Senate Committee on Health Care and Corrections learned that approximately 304 acres of the original land donation to the Territory of Washington for Western State Hospital was about to be given to Pierce County for use as a park. The land has been leased to the county for that purpose for some time.

Summary: The Legislature recognizes the state's constitutional responsibilities to foster and support institutions for the benefit of the disabled and to faithfully manage trust lands. The Legislature further recognizes that the state has purchased or received many thousands of acres of land to support the disabled, that the land has not always been managed in the best interests of the disabled, that some of the land is now considered surplus and that title and use of some of the land is currently in dispute.

The Senate, with concurrence from the House of Representatives, resolves that the Senate Health and Long–Term Care Committee, the Senate Ways and Means Committee, the House Capital Facilities and Financing Committee and the House Human Services Committee review the management of lands devoted to the care of the mentally ill and disabled persons and other lands held in trust and make recommendations to the 1991 session of the Legislature that will ensure that the management of these lands is consistent with constitutional and trust law requirements.

Votes on Final Passage:

First Special Session

Senate	Adopted
House	Adopted (House amended)
Senate	Adopted (Senate concurred)

SCR 8446

By Senators Patrick, Murray, Smith, Hayner, Talmadge and Johnson

Requesting an interim study on poverty issues.

Background: The demographics of poverty have changed over the last decade. There is a higher percentage of single female–headed households than before. Women often must choose between working outside of the home, which requires finding adequate child care or staying home to care for their children and depend on public assistance for income.

Many studies have linked poverty to increased incidents of child abuse and neglect, substance abuse, domestic violence, school drop–out rates and other social problems. Social and welfare interventions have not had the positive impacts on these problems that many hoped for.

Summary: Appropriate committees of the Senate and the House of Representatives shall conduct an interim study on issues surrounding poverty. As a result of this study, the Legislature shall receive direct advice and recommendations from a broad cross–section of the state's poor families and children.

Votes on Final Passage:

First Special Session

Senate	Adopted
House	Adopted

Estimated Revenues and Appropriations General Fund-State 1989-1991 Biennium

(dollars in millions)

Revenues

Unrestricted Beginning Reserve (7/1/89)	$455.9
November 1989 Revenue Forecast	$13,122.0
November 1990 Debt Service	($498.6)
February 1990 Forecast Change	$116.6
February 1990 Debt Service Change	$4.0
February 1990 Collections over Forecast	$37.3
1990 Budget Driven Revenue	$8.5
1990 Revenue Legislation	($6.6)
1990 Revenue Transfers	($10.9)
Reserves for Loans	($15.0)
Total Revenues	**$13,213.2**

Appropriations

1989-91 Biennial Budget (SSB 5352)	$12,468.8
1989 Appropriations Legislation	$47.0
1990 Supplemental Budget	$476.3
1990 Appropriations Legislation	$0.8
1990 Budget Stabilization Account	$200.0
Lapsed Appropriations (LEOFF & DOL)	($62.3)
Total Appropriations	**$13,130.6**
Unrestricted Reserve, 6/30/91	**$82.6**

Reserves

Unrestricted Reserve	$82.6
1989 Budget Stabilization Account	$60.0
1990 Budget Stabilization Account	$200.0
Total Reserve, 6/30/91	**$342.6**

Legislation and Other Adjustments

($ in thousands)

Budget Driven Revenue

Tuition (UW Evening Classes)			700
Liquor Control Board (Bailment)			7,500
Professional Licensing Fees			100
Asbestos Abatement			200
		Total	**$8,500**

Revenue Transfers

Risk Management			(9,400)
Tort Claims			(800)
Public Facilities Account Transfer			(700)
		Total	**($10,900)**

General Fund Revenue Legislation

SHB	2198	Energy Efficiency Conservation	(75)
HB	2294	Salmon Test Fishing Sales	6
HB	2312	Public Funds Investment Account	(1,050)
HB	2343	Secrecy Clause/Tax Information	100
ESHB	2344	Tax Payments by Electronic Transfer	318
HB	2345	Fish Tax Payment Date	(1)
SHB	2362	Industrial Insurance Premium Refund	(1,388)
HB	2503	Pension Funds Investment	(1,815)
HB	2901	Life Insurance Guaranty	(233)
SHB	2956	Low level radioactive waste	(2,745)
ESB	5169	DSHS Revenue Collection	54
SB	5431	Leasehold Excise Tax	(60)
E2SB	6259	Criminal offenders	505
ESB	6358	Transportation Taxes	(1,295)
SB	6664	Master Licensing	1,200
SB	6727	State Owned Shellfish Sales	(1)
ESB	6822	B&O/Small timber	(185)
SB	6880	Business/Residential Locations	58
		Total	**($6,607)**

General Fund Appropriations Legislation

EHB	2441	Disabled students task force	12
SHB	2956	Low level radioactive waste	30
ESB	5371	Excellence Award/Teacher Prep	3
2SSB	5993	Hanford Land Transfer	40
SB	6408	Transportation Budget	192
ESSB	6417	Capital Supplemental Budget	315
2SSB	6418	Rural Health Care	49
SSB	6453	Farmers Home Admin Loan Fund	5
ESSB	6771	Electric Transmission Lines	40
2SSB	6780	Farm Worker Housing Inspection	125
ESB	6839	Kettle River Protection	30
		Total	**$841**

1990 Supplemental Budget Major Enhancements

K-12 Education

School construction — $100 million
One-time funding will nearly eliminate the school construction backlog that has existed since 1984.

Instructional materials and equipment — $38 million
An average of just over $1,000 in one-time funding per teacher will be available for instructional materials, supplies and equipment.

K-12 salary increases and health benefits — $33.8 million
Approximately 20,000 senior teachers — about half of all teachers — will receive pay increases for the 1990-91 school year in addition to the pay hikes approved last session. A total of $25.9 million will be used for teacher pay increases; $3.6 million will be used for classified employee salaries; and $4.3 million will be used to increase the state's contribution for school employees' health benefits. When added to the increases authorized in last year's budget, this appropriation will provide the state's teachers with an average 8-percent salary increase in the 1990-91 school year.

K-3 class-size reductions and paraprofessionals — $12.7 million
Funding will be used to reduce class sizes in the K-3 grades and hire paraprofessionals to provide more individual instruction. Funds may be used either for teachers or classroom aides.

Vocational education staffing and equipment — $6.9 million
This total includes $1.9 million for more voc-ed staff and $5 million in one-time funding for new equipment.

Intervention specialists in grade schools (Fair Start) — $4.5 million
All schools will receive funding for counseling and social services to help elementary school children who have problems that hamper their ability to learn.

Early Childhood Education — $3 million
An additional 1,000 children will be served by the state's acclaimed Early Childhood Education preschool program.

Magnet schools — $1.5 million
Grants will be available for the Seattle and Tacoma school districts to develop magnet school programs to expand specialized educational opportunities and encourage voluntary racial integration.

School-based child care — $1.25 million
Funding will provide start-up grants to begin school-based before- and after-school child care programs.

Statewide video telecommunications — $1.2 million
The state will begin a coordinated effort to establish a statewide video telecommunications system for K-12, higher education institutions and state agencies.

Child abuse awareness training for teachers — $750,000
Some 15,000 teachers — about 40 percent of the teachers in the state — will receive training to help them detect cases of child abuse.

Student tutor programs — $450,000
School districts will hire low-income students in grades 10-12 to tutor younger students after school.

Homeless education services — $250,000
Funding provides for grants to help school districts improve their ability to place homeless students in "mainstream" school settings.

Student-teacher pilot projects — $250,000
Four regional pilot programs will be continued to train student-teachers in rural school districts.

Math and science curriculum — $250,000
Funding will provide advanced summer education for students in grades 6-8, in addition to the high school students who already participate, in the Math, Science and Engineering Achievement (MESA) program.

Higher Education

Higher education endowments and trusts — $6.6 million
One-time general fund financing will create several educational endowments and trusts for students and faculty, with funding to be matched from non-state sources. Programs include:

- 12 distinguished professorships at four-year universities
- 60 graduate fellowships at four-year universities
- 54 exceptional faculty awards at community colleges
- American Indian Endowed Scholarship fund
- Warren G. Magnuson Biomedical Institute

Community College trust lands — $7 million
The state will purchase commercial timber lands likely to be sold for development and dedicate future timber revenues to community college capital construction.

Community college quality assessment — $1.6 million
This money would allow 27 community colleges to have follow-up programs to track the progress of graduates.

University of Washington evening-degree program — $1.3 million
Funding will support 300 FTE students in the UW evening-degree program. The evening degree program will be funded at the same level as day-student programs.

Flight training at Central Washington University — $560,000
CWU will purchase a multi-engine turbo-prop simulator for its flight technology program.

WSU Tri-Cities branch campus — $337,000
Funding will replace lost financial support for general academic programs from the U.S. Department of Energy.

Human Services

Sex predator legislation — $18 million (includes $3 million not from general fund)
Funding would support more than 20 programs created or expanded by the Legislature's sex offender legislation (SB 6259). Programs include grants to victims of sexual assault; civil commitment of violent sex predators; treatment services for juvenile and adult offenders; early detection and treatment of child abuse; punishment alternatives for juvenile sex offenders; increased crime-victims' compensation; and expanded homicide tracking systems.

Family Independence Program — $3.9 million savings
The state will save $3.9 million by adopting Governor Gardner's proposal to freeze FIP enrollments at 10 of the 15 current FIP sites. Those who currently participate in FIP at all 15 sites will continue to receive services.

Medical assistance expansion and increased provider reimbursement — $13.3 million
Funding will expand access to medical care for children up to age 6 whose families earn no more than 133 percent of the federal poverty level, and for children up to age 18 in families earning less than the federal poverty level. Rates are increased for doctors and health maintenance organizations who provide care to children on Medicaid.

Welfare grant increases — $9.4 million
Basic aid grants to families, the disabled and elderly will be increased by 6 percent on Jan. 1, 1991. A total of 147,000 children in Washington depend on welfare grants.

Housing trust fund — $10 million
Grants will enable local government housing authorities and nonprofit sponsors of low-income housing to buy property, construct and rehabilitate housing, and provide mortgage and rent subsidies to low-income families.

Foster care rate increases — $10 million
Reimbursements to foster-care parents and children's residential-care providers would be increased 20 percent. For foster parents, this is in addition to the 15-percent hike approved in 1989.

Programs for the developmentally disabled — $13.9 million
Funding includes $8.1 million for wage increases to community-based providers of care to the developmentally disabled; $4.8 million for "downsizing" developmentally disabled facilities; and $500,000 for respite care; and $300,000 for promoting supported employment.

Child care programs — $4.6 million
Funding is provided for increased subsidy payments for the working poor, additional subsidized child-care slots and improvements in state child-care licensing.

Child Protective and Child Welfare caseworkers — $4 million
Funding will be used to hire additional caseworkers in both programs.

Trauma care system — $2.6 million
A statewide trauma care system will be developed to improve the ability of medical personnel and facilities to provide timely emergency medical treatment.

Universal immunization expansion — $2.5 million
More than 350,000 children will receive immunization shots to prevent mumps, measles and rubella under this universal access program.

Children's mental health/CHAP/PIP — $2.6 million
Funding will provide mental health services to 500 children who currently do not receive services, as well as expanded services through the Children's Hospital Alternative Program and the Primary Intervention Program.

Help for drug-addicted infants — $2.5 million ($2.0 not general fund)
Federal anti-drug funds will be used to provide a variety of services for cocaine-addicted mothers and their babies who suffer from disabilities directly linked to their mothers' drug abuse.

Mental health regional support networks — $2.2 million
Funding will enable the North Sound and North Central mental health regional support networks to provide and coordinate community-based mental health services.

Women, Infant, Children (WIC) nutrition program — $2 million
Some 2,800 children up to age 6 will be added to the WIC program. WIC supplements food stamps with highly nutritional food for mothers and their children.

Continuum of care — $1.7 million
Projects will be continued in Spokane, King and Lewis counties — and one site yet to be chosen — to ensure early intervention for low-risk families and access to intensive services for moderate to high-risk families.

Foster care reform — $1.5 million
Several programs will be funded to reform the state's foster care program, including respite services, recruitment of providers, monitoring of foster care service, and exit surveys of providers.

AIDS monitoring and treatment — $1.2 million
Funding will provide monitoring and treatment of low-income people who test positive for the AIDS virus but who do not yet have the disease.

Adoption support and recruitment — $1.4 million
This funding would help the state comply with changes in federal law that expand reimbursement to families that adopt children with special needs, such as handicaps or disabilities.

Support for spouses of nursing home residents — $1 million
Spouses of nursing home residents are permitted to retain more household income. The maximum amount allowed to be retained is increased from $1,000 to $1,250 per month.

Income assistance for shelter costs — $950,000
Full funding will be provided to homeless people or those who receive shelter assistance; current law reduces AFDC payments to the homeless, limiting their ability to obtain stable housing.

Drug-free childhood — $900,000
Hospitals that provide medical and detoxification care to drug-using pregnant women will receive increased reimbursements.

Community violence prevention — $500,000
Funding will create a pilot project to provide a comprehensive community approach to the prevention of domestic violence and child abuse.

Homebuilders and Parents Anonymous programs — $500,000
Funding will enable expansion of two programs that help hold families together.

Commission on Health Care Cost-Control and Access — $200,000
The governor will appoint a commission to conduct a two-year study and recommend a system for ensuring universal access to cost-effective health-care services.

Rural health care access — $200,000
A program will be established to create a health care resource pool in rural areas and a physician-midwife scholarship program.

Senior volunteer grants — $175,000
Grants will be made to local senior citizen volunteer programs to match federal funds, with priorities for mental health, developmental disabilities, corrections and respite care programs.

Expanded prison capacity — $11.3 million
Funding is provided to meet increased operating costs associated with increasing inmate populations at several state prisons.

Improved work-release community supervision — $2.6 million
Funding would support more stringent supervision of work-release inmates and an increase in community placements from the current 800 to 1,242 by the end of the biennium.

Juvenile rehabilitation — $835,000 (not general fund)
Federal anti-drug funding would support matching grants for gang prevention programs involving local governments, schools, communities and the private sector; anti-gang/drug programs in low-income housing areas; and job-placement assistance for young people who have drug problems.

Prison expansion, community impact funds — $500,000
Funding will be used to offset the impacts of expanded prison populations in Walla Walla County, College Place, Walla Walla (city) and Monroe. It also will be used to offset impacts of a new facility in one other community to be identified by the Department of Corrections.

Partial Veto: *The Governor vetoed the restrictions on the use of the community impact funds and intends to adopt administrative rules to govern the distribution of funds.*

General Government

State and local hazardous-waste cleanup — $29.2 (not general fund)
Part of this funding from the state and local toxics accounts — created by Initiative 97 — will help local governments with landfill cleanups as well as solid and hazardous-waste reduction. Spending also will support state programs to clean up hazardous waste sites and prevent future problems;

help gas station owners clean up leaking underground storage tanks; and clean up hazardous waste sites where the responsible parties either are bankrupt or unable to pay the costs.

State employee salary increases — $10.4 million
This funding will ensure that no state employee's salary will be more than 20 percent behind the prevailing rate in the private sector. Funding is also targeted to salaries for jobs where recruitment and retention of skilled employees have been difficult, and where employees have assumed additional responsibilities without added pay. Among those receiving increases will be attendant counselors at developmental disability residential facilities and nurses at state institutions.

Growth strategies — $9.6 million
The bulk of this funding will help local governments begin the planning process called for in the Legislature's growth strategies bill (HB 2929). Money also will be used to support expanded economic development in areas that want and need growth, and to gather data called for in the legislation.

Goodwill Games — $5 million
Funding will support expanded local government security operations during the Goodwill Games, scheduled this summer in the Seattle area, Tacoma, Federal Way, Spokane and the Tri-Cities.

Job training and retraining study — $1.7 million
The state will study the economic condition and skills of the Washington labor force, evaluate current job training programs and assess changes needed to meet the needs of workers in the 1990s. Several state agencies will conduct pilot projects designed to develop new vocational education techniques.

Washington State Library - $1.5 million
Funding will enable the state library to purchase materials and equipment.

Shellfish litigation — $1.5 million
Funding will cover the state Attorney General's costs for legal services and expert witnesses in pending litigation over Indian shellfish rights.

Wetlands protection — $1.2 million
$600,000 will be provided for grants for local wetlands management and protection programs. Another $600,000 is provided for Department of Ecology wetlands management activities contingent on passage of the Welands Preservation Act. However, the bill did not pass.

Partial Veto: *The Governor vetoed the contingency, allowing the Department of Ecology to expend the funds under current wetlands laws.*

Timber supply study and inventory — $913,000
$750,000 will be used to complete a county-by-county inventory of the state's forest resources. Another $163,000 will be used to produce timber harvest and economic projections.

Value-added wood processing — $400,000
This funding will enable the state to identify opportunities in timber-dependent communities for new "value-added" wood products.

Water policy development — $300,000
Funding will enable the Department of Ecology to conduct a regional water policy development pilot project.

Crime stoppers — $200,000
Grants will be provided to local law enforcement agencies to establish and expand local crime stopper programs.

Livestock predator control — $400,000 ($200,000 not from general fund)
State funds will be used to match an additional $200,000 from the federal government to help control predators that kill livestock and damage crops.

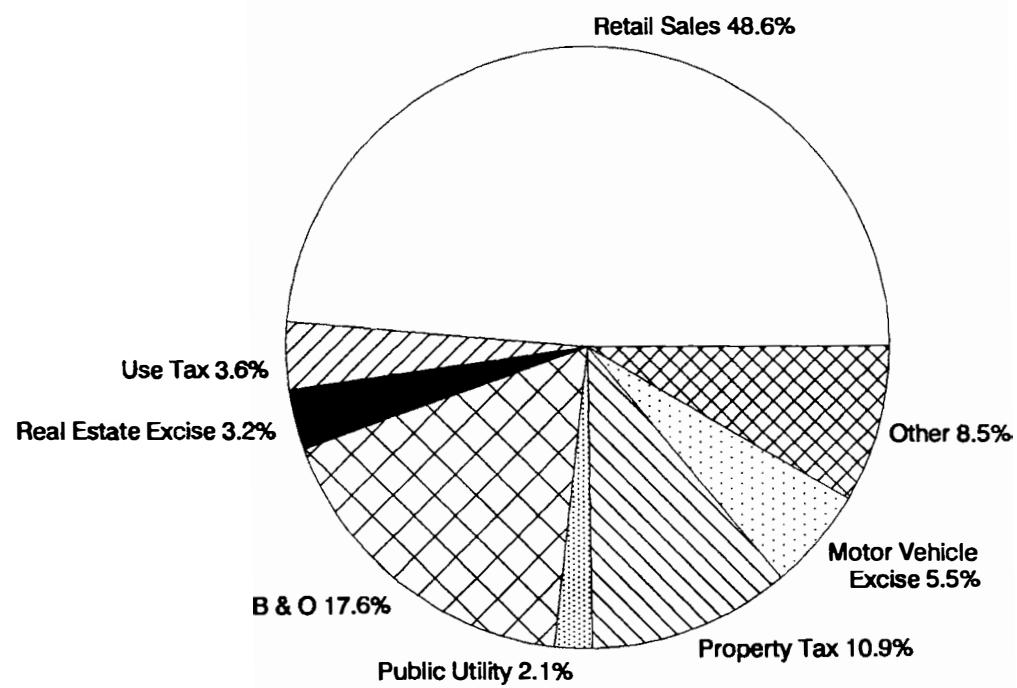
Purple loosestrife eradication — $250,000 ($125,000 not from general fund)
Funding will be used for research and education on the control of purple loosestrife.

Budget Reserve

A total of $200 million will be placed in the state's Budget Stabilization Account — in addition to the $60 million that was included last session. A 60-percent majority vote would be needed in both houses of the Legislature in order to spend that money. In addition, the budget contains a reserve of $83 million in the ending fund balance. In total, $343 million will remain unspent through the 1989-91 biennium.

WASHINGTON STATE REVENUE FORECAST - FEBRUARY 1990
1989-91 FORECAST
GENERAL FUND-STATE
(Dollars in Millions)

Retail Sales	$ 6,193.0
Use Tax	463.6
Real Estate Excise	412.8
B & O	2,246.9
Public Utility	262.8
Property Tax	1,390.4
Motor Vehicle Excise	697.0
Other	1,077.4
1989-91 FORECAST	**$12,743.9**

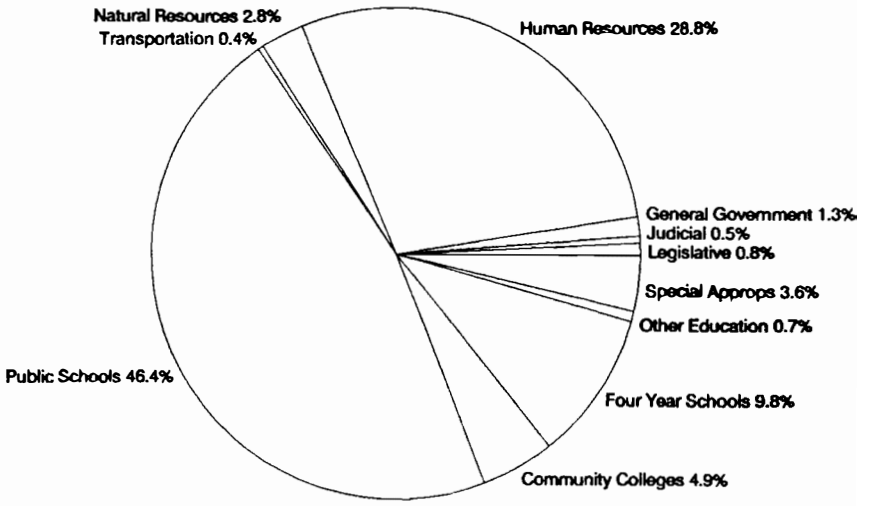


WASHINGTON STATE 1989-91 OPERATING BUDGET

(Dollars in Thousands)

General Fund-State

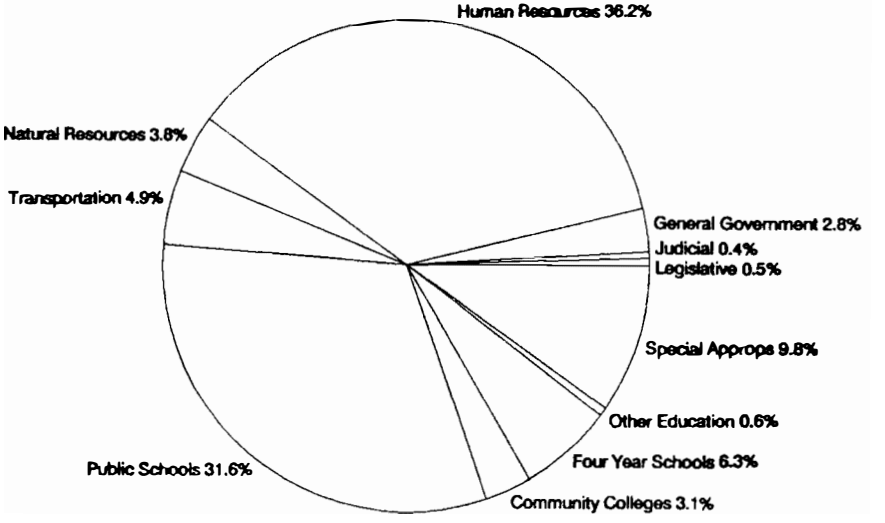
Legislative	$ 104,383
Judicial	59,718
General Government	163,795
Human Resources	3,740,585
Natural Resources	362,364
Transportation	51,050
Public Schools	6,032,229
Community Colleges	635,309
Four Year Schools	1,279,525
Other Education	87,387
Special Approps	476,161
1989-91 Approp	**$12,992,504**



General Fund-State

Total Appropriated Funds

Legislative	$ 109,208
Judicial	85,084
General Government	581,180
Human Resources	7,423,635
Natural Resources	783,096
Transportation	1,012,146
Public Schools	6,482,596
Community Colleges	635,309
Four Year Schools	1,287,542
Other Education	113,911
Special Approps	1,999,174
1989-91 Approp	**$20,512,881**



Total Appropriated Funds

1990 Supplemental Budget Summary

Dollars in Thousands

	GENERAL FUND STATE				TOTAL ALL FUNDS			
	1987-89	1989-91	'90 SESS	TOT 89-91	1987-89	1989-91	'90 SESS	TOT 89-91
STATEWIDE								
LEGISLATIVE	79,358	103,562	821	104,383	81,223	107,439	1,769	109,208
JUDICIAL	51,645	58,242	1,476	59,718	72,773	83,258	1,826	85,084
GENERAL GOVERNMENT	134,559	157,828	5,967	163,795	480,694	567,369	13,811	581,180
HUMAN RESOURCES	2,948,499	3,584,270	156,315	3,740,585	5,655,889	6,983,786	439,849	7,423,635
NATURAL RESOURCES	256,123	347,841	14,523	362,364	528,647	723,595	59,502	783,096
TRANSPORTATION	40,766	48,055	2,995	51,050	798,096	927,883	84,264	1,012,146
TOTAL EDUCATION	6,536,280	7,768,655	265,795	8,034,450	6,902,283	8,181,249	338,109	8,519,357
PUBLIC SCHOOLS	4,833,662	5,780,700	251,529	6,032,229	5,170,641	6,158,753	323,843	6,482,596
COMMUNITY COLLEGES	536,728	631,097	4,212	635,309	536,728	631,097	4,212	635,309
FOUR YEAR SCHOOLS	1,098,812	1,276,501	3,024	1,279,525	1,104,583	1,284,518	3,024	1,287,542
OTHER EDUCATION	67,078	80,357	7,030	87,387	90,331	106,880	7,030	113,911
SPECIAL APPROPS	293,550	447,252	28,908	476,161	1,618,599	1,837,597	161,577	1,999,174
STATEWIDE TOTAL	10,340,779	12,515,705	476,799	12,992,504	16,138,203	19,412,175	1,100,706	20,512,881

NOTE:

The Total Funds columns exclude non-appropriated funds.

Amounts shown include appropriations contained within other legislation ($ 0.5 million GF-S; $ 83.6 million Total Funds).

1990 Supplemental Budget Summary

Dollars in Thousands

	GENERAL FUND STATE				TOTAL ALL FUNDS			
	1987-89	1989-91	'90 SESS	TOT 89-91	1987-89	1989-91	'90 SESS	TOT 89-91
LEG & JUD								
LEGISLATIVE	79,358	103,562	821	104,383	81,223	107,439	1,769	109,208
HOUSE OF REPS	40,304	49,881	320	50,201	40,304	49,881	320	50,201
SENATE	29,785	37,267	255	37,522	29,790	37,267	255	37,522
LEG BUDGET COMM	1,707	1,924	25	1,949	1,707	1,924	25	1,949
LEG TRANSPO COMM	-	-	-	-	1,859	2,753	827	3,580
LEAP COMMITTEE	2,348	2,728	-	2,728	2,348	2,728	-	2,728
STATE ACTUARY	-	-	-	-	-	1,124	121	1,245
LEG SYS COMM	-	5,628	-	5,628	-	5,628	-	5,628
STATUTE LAW COMM	5,214	6,134	-	6,134	5,214	6,134	-	6,134
REDISTRICTING CM	-	-	221	221	-	-	221	221
JUDICIAL	51,645	58,242	1,476	59,718	72,773	83,258	1,826	85,084
SUPREME COURT	11,661	13,652	93	13,745	11,661	13,652	93	13,745
LAW LIBRARY	2,651	3,032	-	3,032	2,651	3,032	-	3,032
COURT OF APPEALS	12,660	14,172	167	14,339	12,660	14,172	167	14,339
JUDICIAL CONDUCT	626	610	90	700	626	610	90	700
ADMIN FOR COURTS	24,047	26,776	1,126	27,902	45,175	51,792	1,476	53,268
TOTAL LEG & JUD	131,003	161,803	2,297	164,100	153,995	190,697	3,595	194,292

1990 Supplemental Budget Summary

Dollars in Thousands

	GENERAL FUND STATE				TOTAL ALL FUNDS			
	1987-89	1989-91	'90 SESS	TOT 89-91	1987-89	1989-91	'90 SESS	TOT 89-91
GENERAL GOVERNMENT								
OFFICE OF GOVERNOR	9,776	12,014	-	12,014	37,119	39,864	-	39,864
LIEUTENANT GOVERNOR	386	500	50	550	386	500	50	550
PUBLIC DISCLOSE COMM	1,241	1,338	7	1,345	1,241	1,338	7	1,345
SECRETARY OF STATE	7,591	8,280	200	8,480	10,148	11,479	288	11,767
GOV INDIAN ADVIS CNL	279	300	9	309	279	300	9	309
ASIAN-AMERICAN AFFRS	271	321	-	321	271	321	-	321
STATE TREASURER	1	-	-	-	9,290	10,636	-	10,636
STATE AUDITOR	877	930	-	930	26,279	28,913	376	29,289
SAL FOR ELECTED OFFL	53	81	-	81	61	81	-	81
ATTORNEY GENERAL	5,286	6,546	960	7,506	50,112	84,420	2,621	87,041
OFFCE FINANCIAL MGMT	18,780	22,526	425	22,951	19,405	22,631	800	23,431
ADMIN HEARINGS OFFCE	-	-	-	-	9,037	10,571	-	10,571
DEPT OF PERSONNEL	7	-	-	-	15,953	14,428	1,087	15,515
DEFERRED COMP COMM	305	529	-	529	305	529	-	529
STATE LOTTERY COMM	-	-	-	-	15,937	17,580	-	17,580
HISPANIC AFFAIRS	279	359	-	359	279	359	-	359
AFRICAN-AMER AFFAIRS	-	225	-	225	-	225	-	225
PERSONNEL APPEALS BD	-	-	-	-	789	856	-	856
DEPT RETIREMENT SYST	3	-	-	-	20,774	23,262	856	24,118
INVESTMENT BOARD	-	-	-	-	1,819	2,093	96	2,189
DEPT OF REVENUE	65,320	78,140	2,244	80,384	68,654	82,245	2,258	84,503
TAX APPEALS BOARD	1,255	1,383	-	1,383	1,255	1,383	-	1,383
MUNICIP RSRCH CNCL	2,095	2,212	-	2,212	2,095	2,212	-	2,212
UNIFORM LEG COMM	29	37	-	37	29	37	-	37
MINORITY & WOMEN BUS	1,942	2,160	-	2,160	1,942	2,160	-	2,160
DEPT GENERAL ADMIN	8,577	9,098	720	9,818	41,090	44,669	2,168	46,837
DEPT INFO SERVICES	-	-	1,209	1,209	1,338	2,583	1,209	3,792

1990 Supplemental Budget Summary

Dollars in Thousands

	GENERAL FUND STATE				TOTAL ALL FUNDS			
	1987-89	1989-91	'90 SESS	TOT 89-91	1987-89	1989-91	'90 SESS	TOT 89-91
GENERAL GOVERNMENT -- CONTINUED								
PRESIDENTIAL ELECTRS	-	-	-	-	-	-	-	-
INSURANCE COMMISSNER	2	-	49	49	11,164	12,639	421	13,060
ACCOUNTANCY BOARD	422	460	18	478	985	1,124	18	1,142
DEATH INVESTIGATION	1	-	-	-	6	11	-	11
PROF ATHLETIC COMM	101	144	-	144	101	144	-	144
HORSE RACING COMM	-	-	-	-	4,202	4,654	-	4,654
LIQUOR CONTROL BOARD	15	-	-	-	88,783	98,470	1,131	99,601
UTILITY/TRANSPO COMM	7	-	30	30	23,898	27,532	357	27,889
BD VOL FIREFIGHTERS	-	-	-	-	239	323	13	336
MILITARY DEPARTMENT	7,892	8,352	10	8,362	13,664	14,902	10	14,912
PUB EMP RELATIONS CM	1,765	1,895	36	1,931	1,765	1,895	36	1,931
GENERAL GOVERNMENT	134,559	157,828	5,967	163,795	480,694	567,369	13,811	581,180

1990 Supplemental Budget Summary

Dollars in Thousands

	GENERAL FUND STATE				TOTAL ALL FUNDS			
	1987-89	1989-91	'90 SESS	TOT 89-91	1987-89	1989-91	'90 SESS	TOT 89-91
HUMAN RESOURCES								
DSHS	2,459,334	2,970,480	105,506	3,075,986	4,477,947	5,526,509	367,651	5,894,160
HEALTH CARE AUTH	265	-	-	-	1,758	6,399	865	7,264
DEPT COMMUNITY DEVLP	34,893	59,716	36,490	96,206	165,315	203,749	48,902	252,651
HUMAN RIGHTS COMM	3,478	3,968	-	3,968	4,254	4,860	-	4,860
BD INDST INS APPEALS	3	-	-	-	12,108	13,800	-	13,800
CRIM JUSTICE TR COMM	-	-	-	-	8,103	9,191	1,095	10,286
DEPT LABOR & INDUST	8,563	9,720	-	9,720	212,248	277,102	4,105	281,207
INDET SENTCE REV BD	3,515	3,626	5	3,631	3,515	3,626	5	3,631
DEPARTMENT OF HEALTH	47,476	69,882	9,467	79,349	88,021	117,193	12,105	129,298
DEPT VETERANS AFFRS	18,258	21,120	-	21,120	30,619	35,343	262	35,605
DEPT OF CORRECTIONS	363,433	415,075	14,059	429,134	364,130	427,052	14,059	441,111
SERV FOR THE BLIND	2,417	2,558	-	2,558	8,438	9,694	-	9,694
CORRECTIONS STDS BD	180	-	-	-	199	-	-	-
BASIC HEALTH PLAN	-	27,215	(9,224)	17,991	-	27,294	(9,224)	18,070
SENTENCING GUIDELINE	528	592	-	592	534	592	-	592
EMPLOYMENT SECURITY	6,157	320	12	332	278,701	321,383	24	321,407
HUMAN RESOURCES	2,948,499	3,584,270	156,315	3,740,585	5,655,889	6,983,786	439,849	7,423,635

1990 Supplemental Budget Summary

Dollars in Thousands

	GENERAL FUND STATE				TOTAL ALL FUNDS			
	1987-89	1989-91	'90 SESS	TOT 89-91	1987-89	1989-91	'90 SESS	TOT 89-91
DSHS								
CHILDREN & FAMILY	208,505	272,625	18,336	290,961	345,968	440,174	31,248	471,422
JUVENILE REHAB	75,634	86,256	2,286	88,542	76,230	89,721	2,286	92,007
MENTAL HEALTH	278,556	387,689	12,724	400,413	370,417	498,197	15,975	514,172
DEVELOP DISABILITIES	179,091	219,107	13,875	232,982	352,535	428,187	38,003	466,190
LONG-TERM CARE SVCS	354,056	446,975	15,094	462,069	702,620	947,028	35,704	982,732
INCOME ASSISTANCE	465,657	450,045	48,061	498,106	883,742	863,878	196,398	1,060,276
COMM SOC SVC PYMTS	66,012	56,768	(8,133)	48,635	96,843	116,867	15,457	132,324
MEDICAL ASSISTANCE	553,521	728,681	5,958	734,639	1,054,867	1,442,062	25,138	1,467,200
VOCATIONAL REHAB	11,463	13,408	-	13,408	54,727	65,455	-	65,455
ADMIN & SUPP SVCS	44,256	56,403	603	57,006	78,568	93,219	1,469	94,688
COMMUNITY SERV ADMIN	160,739	175,438	(3,398)	172,040	333,027	373,981	6,159	380,140
REVENUE COLLECTIONS	24,463	40,848	(509)	40,339	77,057	114,649	(946)	113,703
PYMTS TO OTHER AGYS	25,982	36,238	609	36,847	39,945	53,091	760	53,851
BELATED/SUNDRY CLAIM	11,402	-	-	-	11,402	-	-	-
TOTAL DSHS	2,459,334	2,970,480	105,506	3,075,986	4,477,947	5,526,509	367,651	5,894,160

1990 Supplemental Budget Summary

Dollars in Thousands

	GENERAL FUND STATE				TOTAL ALL FUNDS			
	1987-89	1989-91	'90 SESS	TOT 89-91	1987-89	1989-91	'90 SESS	TOT 89-91
NATURAL RESOURCES								
STATE ENERGY OFFICE	1,912	2,157	200	2,357	16,324	13,709	1,829	15,538
ECONOMIC DEVELOP BD	727	-	-	-	774	-	-	-
WASH CENTENNIAL COMM	7,347	1,092	-	1,092	8,937	1,394	-	1,394
COLUMBIA RIVER GORGE	466	582	-	582	893	1,175	-	1,175
DEPT OF ECOLOGY	52,436	61,980	1,529	63,509	115,855	187,586	35,588	223,174
WA POLLN LIAB REINS	-	-	-	-	-	400	536	936
ENERGY FAC SITE EVAL	58	-	-	-	3,638	4,174	-	4,174
PARKS/REC COMMISSION	35,565	42,700	230	42,930	47,532	57,939	950	58,889
OUTDOOR RECREATION	-	-	-	-	1,678	2,006	470	2,476
ENVIRONMENTL HEARING	864	931	58	989	864	931	58	989
TRADE & ECON DEVELOP	23,881	30,774	1,240	32,014	24,429	31,639	2,140	33,779
CONSERVATION COMM	601	1,366	-	1,366	673	1,553	-	1,553
WINTER REC COMM	12	27	-	27	12	27	-	27
PUGET SD WATER QUAL	2,974	3,607	-	3,607	4,538	4,909	-	4,909
DEPT OF FISHERIES	48,513	55,916	1,828	57,744	67,326	79,244	4,475	83,719
DEPT OF WILDLIFE	7,630	9,654	302	9,956	64,134	73,548	1,103	74,651
DEPT NATURAL RES	56,316	117,503	8,653	126,156	140,052	220,418	11,120	231,537
DEPT OF AGRICULTURE	16,824	19,552	483	20,035	18,828	20,706	1,183	21,889
CONVENTION & TRADE	-	-	-	-	12,162	22,236	50	22,286
NATURAL RESOURCES	256,123	347,841	14,523	362,364	528,647	723,595	59,502	783,096

1990 Supplemental Budget Summary

Dollars in Thousands

	GENERAL FUND STATE				TOTAL ALL FUNDS			
	1987-89	1989-91	'90 SESS	TOT 89-91	1987-89	1989-91	'90 SESS	TOT 89-91
TRANSPORTATION								
BOARD OF PILOTAGE	-	-	-	-	99	178	-	178
STATE PATROL	22,943	27,459	361	27,819	165,656	199,417	1,235	200,651
TRAFFIC SAFETY COMM	-	-	-	-	6,296	6,148	-	6,148
DEPT OF LICENSING	17,190	19,920	2,484	22,404	123,254	136,766	5,137	141,902
DEPT OF TRANSPO	632	674	150	824	432,461	508,307	16,647	524,954
COUNTY ROAD ADMIN BD	-	-	-	-	16,648	25,200	19,471	44,670
TRANSPO IMPROVE BD	-	-	-	-	52,515	51,021	41,300	92,321
MARINE EMPLOYEES CM	-	-	-	-	238	317	-	317
RAIL DEVELOPMENT BD	-	-	-	-	600	-	-	-
TRANSPORTATION COMM	1	2	-	2	330	530	200	730
AIR TRANSPO COMM	-	-	-	-	-	-	275	275
TRANSPORTATION	40,766	48,055	2,995	51,050	798,096	927,883	84,264	1,012,146

1990 Supplemental Budget Summary

Dollars in Thousands

	GENERAL FUND STATE				TOTAL ALL FUNDS			
	1987-89	1989-91	'90 SESS	TOT 89-91	1987-89	1989-91	'90 SESS	TOT 89-91
EDUCATION								
PUBLIC SCHOOLS	4,833,662	5,780,700	251,529	6,032,229	5,170,641	6,158,753	323,843	6,482,596
COMMUNITY COLLEGES	536,728	631,097	4,212	635,309	536,728	631,097	4,212	635,309
FOUR YEAR SCHOOLS	1,098,812	1,276,501	3,024	1,279,525	1,104,583	1,284,518	3,024	1,287,542
UNIV OF WASHINGTON	527,191	614,944	2,178	617,122	532,962	622,961	2,178	625,139
WASHINGTON ST UNIV	290,396	338,567	4	338,571	290,396	338,567	4	338,571
EASTERN WASH UNIV	82,432	92,836	88	92,924	82,432	92,836	88	92,924
CENTRAL WASH UNIV	69,639	78,504	300	78,804	69,639	78,504	300	78,804
THE EVERGREEN ST	40,709	48,487	630	49,117	40,709	48,487	630	49,117
WESTERN WASH UNIV	88,446	103,163	(176)	102,987	88,446	103,163	(176)	102,987
OTHER EDUCATION	67,078	80,357	7,030	87,387	90,331	106,880	7,030	113,911
COMPACT FOR ED	85	92	-	92	85	92	-	92
HIGHER ED COORD BD	51,662	58,306	5,389	63,695	56,113	62,500	5,389	67,889
WA INST APPLD TECH	-	3,047	-	3,047	-	3,047	-	3,047
HIGHER ED PERSNL BD	-	-	-	-	1,939	2,117	-	2,117
STATE LIBRARY	9,578	11,459	1,541	13,000	25,216	30,646	1,541	32,187
ARTS COMMISSION	3,383	4,625	-	4,625	4,364	5,397	-	5,397
HISTORICAL SOCIETY	896	1,136	-	1,136	961	1,136	-	1,136
EAST WA HIST SOC	714	786	-	786	777	914	-	914
ST CAP HIST ASSN	761	906	100	1,006	878	1,031	100	1,131
TOTAL EDUCATION	6,536,280	7,768,655	265,795	8,034,450	6,902,283	8,181,249	338,109	8,519,357

1990 Supplemental Budget Summary

Dollars in Thousands

	GENERAL FUND STATE				TOTAL ALL FUNDS			
	1987-89	1989-91	'90 SESS	TOT 89-91	1987-89	1989-91	'90 SESS	TOT 89-91
PUBLIC SCHOOLS								
OFFICE OF THE SPI	18,934	21,168	100,158	121,326	29,150	30,963	170,588	201,551
GENERAL APPORTIONMENT	3,865,005	4,323,885	59,805	4,383,690	3,920,105	4,323,885	59,805	4,383,690
COMPENSATION ADJS	-	255,969	36,538	292,507	-	255,969	36,538	292,507
RETIREMENT CONTRIBS	2,782	33,141	-	33,141	2,782	33,141	-	33,141
PUPIL TRANSPORTATION	228,687	250,821	2,117	252,938	228,687	250,821	2,117	252,938
VOC TECH INSTITUTES	77,026	82,884	400	83,284	77,026	82,884	400	83,284
VOC ED FLOW THRU	19	-	-	-	19	-	-	-
SCHOOL FOOD SERVICES	6,000	6,000	-	6,000	85,401	91,000	-	91,000
HANDICAPPED ED	449,104	503,593	25,034	528,627	492,374	562,593	25,034	587,627
TRAFFIC SAFETY ED	-	-	-	-	13,289	14,067	-	14,067
ED SERVICE DISTRICTS	10,220	10,654	-	10,654	10,220	10,654	-	10,654
LEVY EQUALIZATION	4,993	82,700	13,144	95,844	4,993	82,700	13,144	95,844
ECIA	-	-	-	-	122,416	138,000	-	138,000
INDIAN EDUCATION	-	-	-	-	139	317	-	317
INSTITUTIONAL ED	21,257	20,566	1,373	21,939	25,998	28,572	1,373	29,945
ADULT BASIC ED	13	-	-	-	2,791	3,500	-	3,500
HIGHLY CAPABLE	5,412	7,090	25	7,115	5,412	7,090	25	7,115
SCHOOL DIST SUPPORT	2,903	5,684	100	5,784	5,997	10,815	100	10,915
SPECIAL & PILOT PGMS	13,002	15,991	9,150	25,141	15,465	34,964	11,034	45,998
FEDERAL ENCUMBRANCES	-	-	-	-	-	36,216	-	36,216
TRANSITIONAL BILING	13,338	14,772	2,263	17,035	13,338	14,772	2,263	17,035
LEARNING ASSISTANCE	50,811	70,417	1,422	71,839	50,811	70,417	1,422	71,839
EDUCATIONAL CLINICS	3,325	3,584	-	3,584	3,325	3,584	-	3,584
ED ENHANCEMENT	45,042	54,463	-	54,463	45,042	54,463	-	54,463
SCHOOLS/BLIND & DEAF	15,744	17,318	-	17,318	15,817	17,366	-	17,366
BELATED CLAIMS	46	-	-	-	46	-	-	-
PUBLIC SCHOOLS	4,833,662	5,780,700	251,529	6,032,229	5,170,641	6,158,753	323,843	6,482,596

1990 Supplemental Budget Summary

Dollars in Thousands

	GENERAL FUND STATE				TOTAL ALL FUNDS			
	1987-89	1989-91	'90 SESS	TOT 89-91	1987-89	1989-91	'90 SESS	TOT 89-91
SPECIAL APPROPS								
STATE REV FOR DIST	271,912	309,902	8,675	318,577	708,092	767,801	82,452	850,253
FEDERAL REV FOR DIST	-	-	-	-	76,609	70,860	29,980	100,840
BOND RETIRE & INTRST	-	-	-	-	702,530	859,456	2,200	861,656
SPEC APPROP TO GOV	-	8,062	5,229	13,291	-	10,170	9,500	19,670
BELATED CLAIMS	-	1,140	-	1,140	-	1,140	-	1,140
SUNDRY CLAIMS	10,237	282	505	787	10,257	303	966	1,269
COMP ADJ-ST EMPLOY	-	-	10,369	10,369	-	-	31,901	31,901
RETIREMENT CONTRIBS	11,400	127,867	4,130	131,997	121,111	127,867	4,578	132,445
SPECIAL APPROPS	293,550	447,252	28,908	476,161	1,618,599	1,837,597	161,577	1,999,174

Children's Program Enhancements

(dollars in thousands) **GF-S**

K-12 Education

Common School Construction	$100,000
Instructional materials, supplies and equipment for the classroom	38,000
K-3 class size reduction (paraprofessionals)	12,700
Vocational equipment	5,000
Fair Start	4,500
Vocational class size reduction	1,888
Magnet Schools	1,500
Child care start-up grants	1,250
Child abuse in-service training	750
Student tutor programs	450
Extend student-teacher pilots	250
Homeless education	250
Dropout prevention	200
Expand children's hospital services	87

Department of Information Services

Telecommunications	1,209

Department of Community Development

Early Childhood Education and Assistance Program	3,000

Subtotal - Public Schools	**$171,034**

Department of Social and Health Services

Children and Family Services

Out-of-home care rate increase	$9,800
Foster care reform	1,454
CPS/CWS staff	4,000
Child care rates	1,850
Child care licensing	1,712
Continuum of care projects	1,650
Adoption support	1,038
Employment child care	1,000
Parent rights termination	999
Adoption recruitment and study	400
Domestic violence	300
Parents education and support	245
Homebuilders	235

Parent and Child Health

Women, Infant and Children (WIC) Nutrition Program	2,000
Maternal Child Health replace federal funds	1,300

Mental Health

Children's mental health	1,500
Treatment foster care (CHAP)	750
Primary Intervention Program	300
Robert Wood Johnson Foundation Match	165

Income Assistance

6% Welfare Grant Increase	9,454
FIP child care	3,574
Homeless grants	946

Medical Assistance

Rate increase for primary care service providers	6,293
Expand Medicaid Eligibility for children less than 100% of FPL, and less than 18 years old	4,470
Expand Medicaid eligibility for children less than 133% of FPL, and less than 6 years old	1,620
Increase reimbursement rate for chemically using pregnant women	874
6% Welfare Grant Increase	613

Community Services Administration

Medicaid Assistance Workload	872

Department of Community Development

Housing Trust Fund	10,000
At-Risk Youth	216

Department of Health

Increase childhood immunization	1,007
Add 2nd dose of Measles/Mumps/ Rubella (MMR) vaccine	1,457

Subtotal - Human Services	**$72,094**

Total - Children's Budget	**$243,128**

Proposed 1990-91 Statewide Salary Allocation Schedule for K-12 Certificated Instructional Staff

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 OR PHD
0	$20,001	$20,541	$21,101	$21,661	$23,461	$24,621	$23,980	$25,780	$26,940
1	20,656	21,214	21,792	22,389	24,242	25,417	24,708	26,561	27,736
2	21,325	21,900	22,495	23,150	25,034	26,245	25,469	27,353	28,563
3	22,027	22,620	23,232	23,923	25,840	27,104	26,242	28,159	29,423
4	22,742	23,372	24,001	24,729	26,696	27,995	27,048	29,015	30,314
5	23,490	24,136	24,783	25,566	27,565	28,916	27,885	29,884	31,235
6	24,269	24,913	25,596	26,435	28,464	29,849	28,754	30,783	32,168
7	25,061	25,721	26,421	27,314	29,393	30,831	29,633	31,712	33,150
8	25,864	26,561	27,277	28,244	30,352	31,842	30,563	32,671	34,161
9		27,431	28,182	29,184	31,341	32,882	31,502	33,660	35,201
10			29,098	30,172	32,358	33,950	32,491	34,677	36,269
11				31,189	33,423	35,047	33,508	35,742	37,366
12				32,174	34,516	36,189	34,566	36,835	38,508
13			New increment		35,636	37,359	35,659	37,955	39,678
14			steps =>		36,762	38,573	36,786	39,154	40,892
15 or more					37,718	39,576	37,742	40,172	41,955
No. of teachers affected: (Total = 19,875 or 49 percent)				5,462	5,121	1,745	7,547		

FOR CREDITS EARNED AFTER THE BA DEGREE BUT BEFORE THE MA DEGREE:
ANY CREDITS IN EXCESS OF 45 MAY BE COUNTED AFTER THE MA DEGREE

E2SSB 6259 Community Protection Task Force Bill

1990 Supplemental Operating Budget Appropriations for the Community Protection Task Force Bill

(Dollars in thousands)

AGENCY	PROGRAM	GF-STATE	TOTAL
DEPARTMENT OF SOCIAL & HEALTH SERVICES	Juvenile sex offender disposition alternative	$1,606	$1,606
	Early detection/treatment of child abuse & sexual assault	1,525	1,525
	Treatment services for sexually aggressive individuals	1,391	1,391
	Treatment services for at risk juvenile sex offenders	1,196	1,196
	Civil commitment for sexual predators (local court costs)	960	960
	Civil commitment for sexual predators (treatment)	654	654
	Mandatory treatment for juvenile sex offenders	455	455
	Joint CPS/law enforcement pilot project	175	175
	Increased length of parole for juvenile sex offenders	150	150
	Victim/witness notification program	83	83
	Subtotal	**$8,195**	**$8,195**
DEPARTMENT OF CORRECTIONS	Expand prison sex offender treatment program	$1,107	$1,107
	Civil commitment of sexual predators (custody and security)	678	678
	Polygraph and plethysmograph testing	327	327
	Increased prison operational costs	172	172
	Eliminate information barriers	49	49
	Subtotal	**$2,333**	**$2,333**
DEPARTMENT OF LABOR AND INDUSTRIES	Lifting of $150,000 medical benefits "cap"	--	$845
	Raise limits on crime victims payments	--	460
	Expand reporting time limits for crime victims	--	125
	Subtotal	**--**	**$1,430**
DEPARTMENT OF COMMUNITY DEVELOPMENT	Grant program for victims of sexual assault programs	$2,553	$2,553
	Programs to prevent sexual assault	260	260
	Office of crime victims' programs	260	260
	Subtotal	**$3,073**	**$3,073**
WASHINGTON STATE PATROL	Registration of sex offenders	$143	$143
	Background checks of certificated school employees	42	42
	Subtotal	**$185**	**$185**
EVERGREEN STATE COLLEGE	General evaluation of programs	$315	$315
	SSOSA evaluation	140	140
	Subtotal	**$455**	**$455**
ATTORNEY GENERAL	Expand homicide information tracking system	**$760**	**$760**
DEPARTMENT OF HEALTH	Certification of sex offender treatment providers	--	**$109**
	TOTAL, ALL PROGRAMS	**$15,001**	**$16,540**

For additional information on the 1990 Supplemental Budget refer to Legislative Budget Notes 1989-91 Biennium, 1990 Supplemental Session. Copies can be obtained from the Senate Ways and Means Committee or the House Fiscal Committees, Olympia, Washington.

Capital Budget

1990 Supplemental Capital Budget

Summary

The 1990 supplemental capital budget contains $266.6 million in new appropriations for construction projects and amends several projects from the 1989 omnibus capital budget.

The supplemental budget passed as Engrossed Substitute Senate Bill 6417 and became Chapter 299, Laws of 1990.

The major thrust of the 1990 supplemental capital budget was the $120.7 million expansion of the state's prison system and the $53 million acquisition of wildlife habitat and recreation lands.

The $266.6 million capital budget is funded from several sources: $187.5 million from state general obligation bonds; $53 million from reimbursable bonds financed by funds other than the general fund; $25.8 million from various cash accounts; and $.3 million from the state general fund. The bond bill authorizing the issuance of state bonds to finance the bonded portion of the capital budget was passed as Reengrossed Substitute House Bill 2964, and became Chapter 15, Laws of 1990, First Extraordinary Session.

In addition to the $266.6 million contained in the supplemental capital budget, the supplemental operating budget (ESSB 6407) appropriated $156.4 million for common school construction, $10 million for low income housing, and $107 million for purchase of school trust and other forest lands to be used as state parks and natural forest areas. All the operating budget appropriations were from the state general fund. Because the amount of general fund money to be made available for capital purposes was in dispute between the House and Senate at the time the capital budget was adopted, it was included in the later-adopted operating budget.

Substitute House Bill 3035 also appropriated $2.4 million for construction of a new jail facility for Yakima County.

The table on the following pages lists the capital projects approved by the 1990 legislature.

1990 Supplemental Capital Appropriations

Project Title	Bill Section #	Governor	Legislature	State Go Bonds
1990 Supplemental Capital Budget ESSB 6417				
Office of Financial Management	Sec 101			
Technical Review of Capital Projects		215,000	215,000	
Dept of General Administration	Sec 102			
Northern State Repairs		284,000	284,000	284,000
Minor Works Building Exterior Repair		193,000	193,000	193,000
Temple of Justice Lighting Fixtures		0	30,000	30,000
Criminal Justice Training Center		16,000,000	16,000,000	5,000,000
Total		**16,477,000**	**16,507,000**	**5,507,000**
Military Department	Sec 106			
HVAC Reappropriation		274,000	274,000	274,000
Dept of Community Development	Sec 201			
Asian Counseling and Referral Service		100,000	100,000	100,000
7th Street Theatre		0	250,000	250,000
A Contemporary Theater		0	1,000,000	1,000,000
Territorial Governor House		0	(200,000)	(200,000)
Endangered Landmark		0	(250,000)	(250,000)
Liberty Theater		0	200,000	200,000
Public Works Trust Fund		0	8,716,000	
Port of Klickitat Loan		0	250,000	250,000
Spokane Food Bank Freezer		0	150,000	150,000
Spokane Falls CC Track		0	450,000	450,000
Historic Community Theaters		0	500,000	500,000
Naval Heritage Redevelopment		0	256,000	256,000
Total		**100,000**	**11,422,000**	**2,706,000**
Dept of Social & Health Services	Sec 213			
Juvenile Sex Offenders Facility		1,314,000	1,256,000	1,256,000
Echo Glen - Cottage Renovation		956,000	956,000	956,000
Total		**2,270,000**	**2,212,000**	**2,212,000**
Dept of Corrections	Sec 216			
Master Plan		0	200,000	200,000
McNeil Is. Expansion		28,854,000	27,016,000	27,016,000
Tacoma Pre-release Relocation		3,361,000	0	0
Clallam Bay Expansion		21,230,000	21,230,000	21,230,000
New Regional Camps		59,872,000	46,905,000	46,905,000
Shelton Double-bunking		173,000	173,000	173,000
Shelton Reception Center Upgrade		0	(262,000)	(236,000)
Walla Walla-MSU Double-Bunking		1,210,000	1,210,000	1,210,000
Twin Rivers Double-Bunking		2,844,000	2,981,000	2,981,000
Walla Walla - MSC Double-Bunking		1,128,000	1,128,000	1,128,000
Clearwater/Olympic 100 Bed Expansion		1,854,000	1,738,000	1,738,000
Cedar Creek Camp-100 Bed Expansion		1,740,000	1,637,000	1,637,000

1990 Supplemental Capital Appropriations

Project Title	Bill Section #	Governor	Legislature	State Go Bonds
Camp Inmate Labor Pool		0	229,000	229,000
1,024 Bed Institution (fast-track)		4,417,000	4,417,000	4,417,000
1,024 Bed Institution		2,026,000	0	0
Walla Walla Emergency Capacity		132,000	132,000	132,000
Eastern WA Pre-release		62,000	62,000	62,000
Expand Regional Camps		29,099,000	0	0
Forestry Camp 1 & 2 Expansion		11,926,000	11,926,000	4,820,000
Total		**169,928,000**	**120,722,000**	**113,642,000**
State Parks & Rec Commission	Sec 301			
Westhaven Comfort Station		423,000	423,000	423,000
Fort Worden Balloon Hanger		500,000	500,000	500,000
John Wayne Trail-Tunnel		196,000	196,000	196,000
Ohme Gardens Acquisition		765,000	765,000	765,000
Colville Tribe Interpretive Center		0	25,000	
Total		**1,884,000**	**1,909,000**	**1,884,000**
Committee On Outdoor Recreation	Sec 318			
Wildlife & Recreation Coalition		45,000,000	53,000,000	53,000,000
North Creek Park		0	300,000	300,000
Total		**45,000,000**	**53,300,000**	**53,300,000**
Dept of Trade & Economic Development	Sec 308			
Olympic Academy		5,000,000	3,000,000	3,000,000
Dept of Fisheries	Sec 309			
Hood Canal Boat Access Development		171,000	171,000	
Dept of Wildlife	Sec 312			
Wildlife Area Repair and Development		60,000	60,000	
Office Repair/Renovation/Remodel		580,000	580,000	
Grandy Creek Hatchery (vetoed)		0	500,000	
Regional Office Relocation		1,185,000	1,185,000	
Total		**1,825,000**	**2,325,000**	
Superintendent of Public Instruction	Sec 401			
Common School Construction Fund		74,400,000		
School for the Deaf	Sec 402			
Outside Elevators-Clark Hall		150,000	150,000	150,000
University of Washington	Sec 403			
K-Wing Addition		45,000,000	45,000,000	
Physics Bldg		3,623,000	3,623,000	3,623,000
Total		**48,623,000**	**48,623,000**	**3,623,000**
Washington State University	Sec 405			
WHETS		0	2,961,000	

1990 Supplemental Capital Appropriations

Project Title	Bill Section #	Governor	Legislature	State Go Bonds
Eastern Washington University	Sec 406			
Seventh Street Replacement		338,000	338,000	
Minor Works-Facilities Renewal		1,167,000	1,167,000	
Total		**1,505,000**	**1,505,000**	
Central Washington University	Sec 408			
Psychology Animal Research Facility		0	600,000	600,000
The Evergreen State College	Sec 409			
Life Safety-Code Compliance		356,000	356,000	356,000
Failed Systems		0	245,000	245,000
Total		**356,000**	**601,000**	**601,000**
State Library	Sec 412			
Library For Blind		0	75,000	
1990 Supplemental Capital Budget Total		**$368,178,000**	**$266,572,000**	**$187,499,000**

1990 Supplemental Operating Budget ESSB 6407

Dept of Community Development	Sec 225			
Housing Trust Fund			10,000,000	
State Parks & Rec Commission	Sec 311			
Acquire School Trust Land for Parks			20,000,000	
Dept of Natural Resources	Sec 310-311			
Acquire School Trust Land for Conservation			80,000,000	
Forest Lands For Community College Trust			7,000,000	
Superintendent of Public Instruction	Sec 518			
Common School Construction Fund			156,430,000	
1990 Supplemental Operating Budget Total		**0**	**273,430,000**	**0**

Substitute House Bill 3035

Dept of Community Development				
Yakima Jail			2,400,000	2,400,000
Total of 1990 Capital Appropriations		**368,178,000**	**542,402,000**	**189,899,000**
Governor Vetoes			**(500,000)**	
Grand Total		**368,178,000**	**541,902,000**	**189,899,000**

1990 Supplemental Transportation Budget
Senate Bill 6408

Agency Fund	1989-91 Transportation Budget	Supplemental Agency Request	Supplemental Governor Request	Supplemental Conference Committee	Conference and 89-91 Base	Difference Confer. Total and Gov. Total
Summary of Agency Totals						
Traffic Safety Commission	6,083,950	0	0	70,000	6,153,950	70,000
Rail Development Commission	0	0	0	0	0	0
Board of Pilotage Commissioners	174,956	0	0	0	174,956	0
County Road Administration Board	25,154,623	226,306	19,470,500	19,470,500	44,625,123	0
Transportation Improvement Board	50,976,600	0	41,300,000	41,300,000	92,276,600	0
Washington State Patrol - Operating	162,558,790	2,048,900	451,000	916,200	163,474,990	465,200
Department of Licensing	104,226,405	630,825	(120,250)	1,446,750	105,673,155	1,567,000
Legislative Transportation Committee	2,625,000	0	0	827,000	3,452,000	827,000
Marine Employees Commission	306,997	0	0	0	306,997	0
Transportation Commission	512,986	447,000	3,000,000	200,000	712,986	(2,800,000)
Department of Transportation	1,656,863,078	63,525,000	77,313,000	91,495,140	1,748,358,218	14,182,140
Special Appropriations	9,858,000	0	0	0	9,858,000	0
Washington State Patrol - Capital	7,429,000	24,000,000	24,000,000	150,000	7,579,000	(23,850,000)
Airport Commission	0	0	0	550,000	550,000	550,000
Department of Agriculture	0	0	0	100,000	100,000	100,000
Department of Ecology	0	0	0	3,000,000	3,000,000	3,000,000
Total	**2,026,770,385**	**90,878,031**	**165,414,250***	**159,525,590**	**2,186,295,975**	**(5,888,660)**

* Revised Gov. Budget (adds $13.3 M for Dist. 1 Hdqrts for DOT and $262 K for WSP Airplane)

1990 Supplemental Transportation Budget
Senate Bill 6408

Agency Fund	1989-91 Transportation Budget	Supplemental Agency Request	Supplemental Governor Request	Supplemental Conference Committee	Conference and 89-91 Base	Difference Confer. Total and Gov. Total
Summary of Funds and Accounts						
Aeronautics Acct-fed	661,451	0	0	0	661,451	0
Aeronautics Acct-state/loc	3,045,982	0	0	0	3,045,982	0
County Arterial Preservation Acct	0	0	12,400,000	12,400,000	12,400,000	0
Economic Development Acct	7,000,000	0	0	0	7,000,000	0
Ferry System Fund	168,308,589	8,193,000	4,059,000	8,843,140	177,151,729	4,784,140
General Fund-fed/loc	5,866,819	0	0	0	5,866,819	0
General Fund-state	1,033,221	0	0	3,536,100	4,468,169	3,536,100
High Capacity Transp Acct	0	518,000	4,103,000	5,353,000	5,353,000	1,250,000
Highway Safety Fund-fed	4,532,200	0	0	0	4,532,200	0
Highway Safety Fund-state	47,515,896	(9,457)	(636,971)	(325,971)	47,189,925	311,000
Motor Vehicle Fund-fed	805,574,403	0	0	0	805,574,403	0
Motor Vehicle Fund-state	615,539,493	39,332,227	57,740,664	62,782,664	678,322,157	5,042,000
Motorcycle Safety Ed Acct	1,037,499	5,110	3,447	3,447	1,040,946	0
Pilotage Acct	174,956	0	0	0	174,956	0
Public Safety & Ed Acct	6,114,782	19,508	12,136	1,012,136	7,126,918	1,000,000
Puget Sound Cap Const-fed	14,200,000	0	0	0	14,200,000	0
Puget Sound Cap Const-state	99,345,259	1,487,000	1,541,000	936,000	99,897,749	(988,510)
Puget Sound Ferry Operations	1,244,264	0	0	25,000	178,160	(1,066,104)
Rural Arterial Trust Acct	24,155,072	0	6,916,000	6,916,000	31,071,072	0
Search & Rescue	116,633	0	0	0	116,633	0
State Patrol Highway Acct-fed/loc	2,965,228	0	0	0	2,965,228	0
State Patrol Highway Acct-state	165,829,573	1,106,900	451,000	24,100	165,853,673	(426,900)
Transp Capital Facilities Acct	1,000,000	16,000,000	13,300,000	16,000,000	17,000,000	2,700,000
Transportation Fund	0	0	0	495,000	495,000	495,000
Transportation Improvement Acct	0	0	41,300,000	41,300,000	41,300,000	0
Urban Arterial	50,976,600	0	0	0	50,976,600	0
Wildlife Acct	432,465	225,743	224,974	224,974	657,439	0
WSP Construction Acct	100,000	24,000,000	24,000,000	0	100,000	(24,000,000)
Total	**2,026,770,385**	**90,878,031**	**165,414,250**	**159,525,590**	**2,186,295,975**	**(5,888,660)**

1990 Supplemental Transportation Budget
Senate Bill 6408

Sec	Op or Cap	Agency Fund	1989-91 Transportation Budget	Supplemental Agency Request	Supplemental Governor Request	Supplemental Conference Committee	Conference and 89-91 Base	Difference Confer. Total and Gov. Total	
1	Op	County Road Administration Board							**Supplemental Changes**
		Motor Vehicle Fund-state	999,551	226,306	154,500	154,500	1,154,051	0	Retirement 0.03 M
		Rural Arterial Trust Account	24,155,072	0	6,916,000	6,916,000	31,071,072	0	Relocation 0.14 M
		County Arterial Preservation Acct	0	0	12,400,000	12,400,000	12,400,000	0	Preservation Prgm 12.40 M
		Total	**25,154,623**	**226,306**	**19,470,500**	**19,470,500**	**44,625,123**	**0**	Addt'l RAP Funding 6.90 M
									Total 19.40 M
2	Op	Transportation Improvement Board							
		Transportation Improvement Acct	0	0	41,300,000	41,300,000	41,300,000	0	**Supplemental Changes**
		Urban Arterial Trust Acct	50,976,600	0	0	0	50,976,600	0	New TIB Funding 41.3 M
		Total	**50,976,600**	**0**	**41,300,000**	**41,300,000**	**92,276,600**	**0**	

1990 Supplemental Transportation Budget
Senate Bill 6408

Sec	Op or Cap	Agency Fund	1989-91 Transportation Budget	Supplemental Agency Request	Supplemental Governor Request	Supplemental Conference Committee	Conference and 89-91 Base	Difference Confer. Total and Gov. Total		
3/4	Op	Washington State Patrol -Field Operations							**Supplemental Changes**	
		Highway Account-state	110,690,369	617,900	262,000	(386,000)	110,304,369	(648,000)	Airplane	0.25 M
		Highway Account-federal	2,965,228	0	0	0	2,965,228	0	SB6434:Safety Ed	0.25 M
		Motor Vehicle Fund-state	392,989	0	0	0	392,989	0	PSEA Fund Shift	Na M
		Public Safety Ed Acct	0	0	0	1,000,000	1,000,000	1,000,000	Scales(5)	0.07 M
		General Fund-state	300,000	0	0	600	300,600	600	Motor Pool	0.05 M
		Total	**114,348,586**	**617,900**	**262,000**	**614,600**	**114,963,186**	**352,600**	**Total:**	**0.61 M**
5/6	Op	Washington State Patrol -Support Services Bureau								
		Highway Account-state	48,210,204	489,000	189,000	260,100	48,470,304	71,100	**Supplemental Changes**	
		Motor Vehicle Fund-state	0	942,000	0	0	0	0	Financial Systems	0.27 M
		Public Safety Ed Acct	0	0	0	0	0	0	Exec info System	0.02 M
		General Fund-state	0	0	0	41,500	41,500	41,500	Motor Pool Mgmnt	0.01 M
		Total	**48,210,204**	**1,431,000**	**189,000**	**301,600**	**48,511,804**	**112,600**	**Total**	**0.30 M**
28	Cap	Washington State Patrol - Capital								
		Highway Account-state	100,000	0	0	150,000	250,000	150,000	**Supplemental Changes**	
		St Patrol Construction Acct	0	24,000,000	24,000,000	0	0	(24,000,000)	Addt'l Design	0.20 M
		Total	**100,000**	**24,000,000**	**24,000,000**	**150,000**	**250,000**	**(23,850,000)**		

1990 Supplemental Transportation Budget
Senate Bill 6408

Sec	Op or Cap	Agency Fund	1989-91 Transportation Budget	Supplemental Agency Request	Supplemental Governor Request	Supplemental Conference Committee	Conference and 89-91 Base	Difference Confer. Total and Gov. Total	
7	Op	Department Of Licensing-Vehicle Services							**Supplemental Changes**
		Motor Vehicle Fund-state	32,607,339	809,861	810,000	1,724,000	34,331,339	914,000	SB 6560:odometers 0.33 M
		Wildlife Acct-state	421,186	0	0	0	421,186	0	CAAP 0.73 M
		Total	**33,028,525**	**809,861**	**810,000**	**1,724,000**	**34,752,525**	**914,000**	SB6663:Spec plates 0.07 M
									Title & Reg Study 0.05 M
									Gas Tax Admn 0.55 M
									Total 1.72 M
8	Op	Department of Licensing-Driver Services							
		Public Safety and Ed Acct	3,412,942	0	0	0	3,412,942	0	**Supplemental Changes**
		Highway Safety Fund-state	35,321,479	815,700	267,000	353,000	35,674,479	86,000	Kent DLE 0.14 M
		Highway Safety Fund-federal	0	0	0	0	0	0	Ag Staff 0.21 M
		Motorcycle Safety Ed Acct	1,037,499	0	0	0	1,037,499	0	**Total 0.35 M**
		Total	**39,771,920**	**815,700**	**267,000**	**353,000**	**40,124,920**	**86,000**	

1990 Supplemental Transportation Budget
Senate Bill 6408

Sec	Op or Cap	Agency Fund	1989-91 Transportation Budget	Supplemental Agency Request	Supplemental Governor Request	Supplemental Conference Committee	Conference and 89-91 Base	Difference Confer. Total and Gov. Total	
9	Op	Department of Licensing-Administration							**Supplemental Changes**
		Wildlife Acct-state	7,238	743	0	0	7,238	0	Cost Accounting $0.4 M
		Highway Safety Fund-state	7,027,608	211,843	133,076	133,076	7,160,684	0	
		Motor Vehicle Fund-state	3,378,999	228,960	143,520	191,520	3,570,519	48,000	
		Motorcycle Safety Education Acct	0	4,410	2,747	2,747	2,747	0	
		Public Safety & Education	611,678	19,708	12,297	12,297	623,975	0	
		General Fund-state	0	0	0	55,000	55,000	55,000	
		Total	**11,025,523**	**465,664**	**291,640**	**394,640**	**11,420,163**	**103,000**	
10/11	Op	Department of Licensing-Information Services							**Supplemental Changes**
		Wildlife Acct-state	4,041	225,000	224,974	224,974	229,015	0	Revenue Acct 0.09 M
		Highway Safety Fund-state	4,815,059	(1,037,000)	(1,037,047)	(812,047)	4,003,012	225,000	Computer Systems 0.73 M
		Motor Vehicle Fund-state	15,191,175	(648,900)	(677,356)	(452,356)	14,738,819	225,000	Manufactured Homes 0.07 M
		Motorcycle Safety Education Acct	0	700	700	700	700	0	Cost Alloc Shifts (1.90)M
		Public Safety & Education Acct	390,162	(200)	(161)	(161)	390,001	0	**Total** **(1.01)M**
		General Fund-state	0	0	0	14,000	14,000	14,000	
		Total	**20,400,437**	**(1,460,400)**	**(1,488,890)**	**(1,024,890)**	**19,375,547**	**464,000**	

1990 Supplemental Transportation Budget
Senate Bill 6408

Sec	Op or Cap	Agency Fund	1989-91 Transportation Budget	Supplemental Agency Request	Supplemental Governor Request	Supplemental Conference Committee	Conference and 89-91 Base	Difference Confer. Total and Gov. Total	
12	Op	Legislative Transportation Committee							**Supplemental Changes**
		Motor Vehicle Fund-state	2,525,000	0	0	77,000	2,602,000	77,000	Transit Study 0.75 M
		WSP Hywy Acct-state	100,000	0	0	0	100,000	0	Cost Respons Study NA
		High Capacity Transportation Account	0	0	0	750,000	750,000	750,000	Programming Study NA
		Total	**2,625,000**	**0**	**0**	**827,000**	**3,452,000**	**827,000**	Fuel Pricing 0.08 M
									Total 0.83 M
13	Op	Air Transportation Commission							
		Transportation Fund	0	0	0	275,000	275,000	275,000	**Supplemental Changes**
		General Fund-state	0	0	0	275,000	275,000	275,000	Air Commission 0.55 M
		Total	**0**	**0**	**0**	**550,000**	**550,000**	**550,000**	
14	Op	Transportation Commission							
		Aeronautics Acct.-state	1,184	0	0	0	1,184	0	
		General Fund-state	2,269	0	0	0	2,269	0	**Supplemental Changes**
		Puget Sound Cap Const Acct	31,349	0	0	0	31,349	0	Innovations Unit 0.20 M
		Puget Sound Ferry Operations Acct	53,160	0	0	0	53,160	0	Gov Studies 0.00 M
		Motor Vehicle Fund-state	425,024	447,000	3,000,000	200,000	625,024	(2,800,000)	**Total 0.20 M**
		Ferry System Fund	0	0	0	0	0	0	
		Total	**512,986**	**447,000**	**3,000,000**	**200,000**	**712,986**	**(2,800,000)**	

1990 Supplemental Transportation Budget
Senate Bill 6408

Sec	Op or Cap	Agency Fund	1989-91 Transportation Budget	Supplemental Agency Request	Supplemental Governor Request	Supplemental Conference Committee	Conference and 89-91 Base	Difference Confer. Total and Gov. Total	
15	Cap	Department of Transportation							
		Highway Construction - Program A							
		Motor Vehicle Fund-state	124,000,000	1,100,000	0	1,100,000	125,100,000	1,100,000	**Supplemental Changes**
		Motor Vehicle Fund-fed/loc	82,000,000	0	0	0	82,000,000	0	St Rt 4-slide 1.10 M
		Total	**206,000,000**	**1,100,000**	**0**	**1,100,000**	**207,100,000**	**1,100,000**	
16	Cap	Department of Transportation							
		Highway Construction - Program C							
		Motor Vehicle Fund-State	34,750,000	35,000,000	55,000,000	55,000,000	89,750,000	0	**Supplemental Changes**
		Motor Vehicle Fund-loc	1,000,000	0	0	0	1,000,000	0	Reg Cat C 50.00 M
		Total	35,750,000	35,000,000	55,000,000	55,000,000	90,750,000	0	Super Cat C 5.00 M
									Total 55.00 M
17/18	Cap	Department of Transportation							
	&	Construction Mgmt & Support - Program D							
	Op	Motor Vehicle Fund-State	58,608,867	0	0	0	58,608,867	0	**Supplemental Changes**
		Transp Capital Facilities Acct	1,000,000	16,000,000	13,300,000	16,000,000	17,000,000	2,700,000	Dist 1 Hdqrts 16.00 M
		Total	**59,608,867**	**16,000,000**	**13,300,000**	**16,000,000**	**75,608,867**	**2,700,000**	

1990 Supplemental Transportation Budget
Senate Bill 6408

Sec	Op or Cap	Agency Fund	1989-91 Transportation Budget	Supplemental Agency Request	Supplemental Governor Request	Supplemental Conference Committee	Conference and 89-91 Base	Difference Confer. Total and Gov. Total	
19	Cap	Department of Transportation							
		Bridge Replacement-Program H							
		Motor Vehicle Fund-state	26,000,000	0	387,000	637,000	26,637,000	250,000	**Supplemental Changes**
		Motor Vehicle Fund-fed/loc	34,000,000	0	0	0	34,000,000	0	Spokane Brdg Deck 0.39 M
		Total	**60,000,000**	**0**	**387,000**	**637,000**	**60,637,000**	**250,000**	Longview Study 0.13 M
									Mt Vernon-Burl 0.13 M
									Total 0.64 M
20	Op	Department of Transportation							
		Maintenance-Program M							
		Motor Vehicle Fund-state	191,782,680	0	0	90,000	191,872,680	90,000	**Supplemental Changes**
		Motor Vehicle Fund-fed/loc	69,161	0	0	0	69,161	0	Spokane Brdg M&O 0.09 M
		Total	**191,851,841**	**0**	**0**	**90,000**	**191,941,841**	**90,000**	
21	Cap	Department of Transportation							
	&	City/county Program - Program R							
	Op	Motor Vehicle Fund-state	2,273,000	650,000	(900,000)	(250,000)	2,023,000	650,000	Supplemental Changes
		Motor Vehicle Fund-fed/loc	74,869,000	0	0	0	74,869,000	0	Cut Bond Guarantee (0.90)M
		Total	**77,142,000**	**650,000**	**(900,000)**	**(250,000)**	**76,892,000**	**650,000**	Puget Island Ferry 0.65 M
									Total (0.25)M

1990 Supplemental Transportation Budget
Senate Bill 6408

Sec	Op or Cap	Agency Fund	1989-91 Transportation Budget	Supplemental Agency Request	Supplemental Governor Request	Supplemental Conference Committee	Conference and 89-91 Base	Difference Confer. Total and Gov. Total	
22	Op	Department of Transportation Planning & Public Trans - Program T							
		General Fund-state	629,800	0	0	150,000	779,800	150,000	**Supplemental Changes**
		General Fund-fed/loc	5,466,819	0	0	0	5,466,819	0	Transit Plan Grants 3.40 M
		Motor Vehicle Fund-state	8,637,774	525,000	0	1,720,000	10,357,774	1,720,000	Transit Admn 0.22 M
		Motor Vehicle Fund-fed	10,463,549	0	0	0	10,463,549	0	Freight Rail Admn 0.23 M
		High Capacity Transp Acct	0	518,000	4,103,000	4,603,000	4,603,000	500,000	Amtrak Studies 0.25 M
		Transportation Fund	0	0	0	150,000	150,000	150,000	Expert Review 0.50 M
		Essential Rail Bank Acct	0	0	0	0	0	0	Port Study Update 0.30 M
		Puget Snd Capital Construction Acct	0	0	0	25,000	25,000	25,000	Hood River Study 0.02 M
		Puget Sound Ferry Op Acct	0	0	0	25,000	25,000	25,000	Regional Planning 1.70 M
		Total	**25,197,942**	**1,043,000**	**4,103,000**	**6,673,000**	**31,870,942**	**2,570,000**	Sydney BC Ferry 0.05 M
									Total 6.67 M
23	Op	Department of Transportation							
		Charges from Other Agencies - Program U							**Supplemental Changes**
		Motor Vehicle Fund-state	10,607,946	52,000	123,000	291,000	10,898,946	168,000	Archives 0.01 M
		Total	**10,607,946**	**52,000**	**123,000**	**291,000**	**10,898,946**	**168,000**	Addt'l Auditor 0.12 M
									Addt'l GA Charges 0.16 M
									Total 0.29 M

1990 Supplemental Transportation Budget
Senate Bill 6408

Sec	Op or Cap	Agency Fund	1989-91 Transportation Budget	Supplemental Agency Request	Supplemental Governor Request	Supplemental Conference Committee	Conference and 89-91 Base	Difference Confer. Total and Gov. Total	
24	Cap	Department of Transportation							
		Marine Division (capital) - Program W							**Supplemental Changes**
		Puget Sound Cap. Const. Acct-state	98,930,400	1,487,000	1,541,000	911,000	99,841,400	(630,000)	Sidney Terminal 0.12 M
		Puget Sound Cap. Const. Acct-fed	14,200,000	0	0	0	14,200,000	0	Pass only Terminal 0.79 M
		Total	**113,130,400**	**1,487,000**	**1,541,000**	**911,000**	**114,041,400**	**(630,000)**	**Total .91M**
25	Op	Department of Transportation							
		Marine Division (operations) - Program X							**Supplemental Changes**
		Puget Sound Ferry Oper Acct-state	0	0	0	0	0	0	Pass only Service 3.40 M
		Ferry System Fund-state	167,808,589	8,193,000	4,059,000	8,843,140	176,651,729	4,784,140	Pyrll Proj-reapprop 0.30 M
		Total	**167,808,589**	**8,193,000**	**4,059,000**	**8,843,140**	**176,651,729**	**4,784,140**	Wrk Schdlr System 0.19 M
									Sidney Lease&maint 0.13 M
									Addt'l Service 4.80 M
									Total 8.82 M

1990 Supplemental Transportation Budget
Senate Bill 6408

Sec	Op or Cap	Agency Fund	1989-91 Transportation Budget	Supplemental Agency Request	Supplemental Governor Request	Supplemental Conference Committee	Conference and 89-91 Base	Difference Confer. Total and Gov. Total	
26	Cap & Op	Department of Transportation State Aid - Program Z							
		Motor Vehicle Fund-state	6,456,591	0	(1,000,000)	2,000,000	8,456,591	3,000,000	**Supplemental Changes**
		Motor Vehicle Fund-fed/loc	125,172,693	0	0	0	125,172,693	0	Fndg Gov Studies 2.00 M
		Total	**131,629,284**	**0**	**(1,000,000)**	**2,000,000**	**133,629,284**	**3,000,000**	
27	Op	Department of Transportation Belated Claims - Program 810							
		Motor Vehicle Fund-State	5,000,000	0	(2,000,000)	(2,000,000)	3,000,000	0	**Supplemental Changes**
		Puget Sound Ferry Oper Acct-state	100,000	0	0	0	100,000	0	Reduce Claims (2.00)M
		Total	**5,100,000**	**0**	**(2,000,000)**	**(2,000,000)**	**3,100,000**	**0**	
34	Na	Bond Retirement and Interest							**Supplemental Changes**
		Motor Vehicle Fund-state	0	0	2,700,000	2,200,000	2,200,000	(500,000)	Eliminate Spokane
		Total	**0**	**0**	**2,700,000**	**2,200,000**	**2,200,000**	**(500,000)**	River Bonds 2.20 M

1990 Supplemental Transportation Budget
Senate Bill 6408

Sec	Op or Cap	Agency Fund	1989-91 Transportation Budget	Supplemental Agency Request	Supplemental Governor Request	Supplemental Conference Committee	Conference and 89-91 Base	Difference Confer. Total and Gov. Total	
31	Op	Department of Agriculture							**Supplemental Changes**
		Motor Vehicle Fund-state	0	0	0	100,000	100,000	100,000	Motor Fuel
		Total	**0**	**0**	**0**	**100,000**	**100,000**	**100,000**	Quality 0.10 M
33	Op	Department of Ecology							
		General Fund-state	0	0	0	3,000,000	3,000,000	3,000,000	**Supplemental Changes**
		Total	**0**	**0**	**0**	**3,000,000**	**3,000,000**	**3,000,000**	Air Quality 3.00 M
32	Op	Traffic Safety Commission							**Supplemental Changes**
		Transportation Fund	0	0	0	70,000	70,000	70,000	Adds SB6434 0.07 M
		Total	**0**	**0**	**0**	**70,000**	**70,000**	**70,000**	(Bike Coordinator)

Background: The Washington State Sunset Act (Chapter 43.131 RCW) was adopted in 1977 as a means to improve legislative oversight of state agencies and programs. The sunset process provides an automatic termination of selected state agencies, programs and statutes. One year prior to termination, program and fiscal reviews are conducted by the Legislative Budget Committee and the Office of Financial Management. The program reviews are intended to assist the Legislature in determining whether agencies and programs should be allowed to terminate automatically or be reauthorized by legislative action in either their current or modified form prior to the termination date.

Session Summary: The Legislative Budget Committee submitted four performance audit reports to the Legislature in 1990. The reports covered occupational therapists, radiologic technologists, the Board of Pharmacy, and the Small Business Improvement Council. Legislation was enacted which added two programs to the sunset process and extended the sunset dates of nine programs. In addition, three programs were scheduled to terminate without provision for sunset review and nine programs were extended and removed from the sunset process.

Programs with Sunset Dates Extended

Nursing Home Advisory Council
Extended to June 30, 1992 — SHB 2327 (C 297 L 90)

Emergency Medical Services Committee
Extended to June 30, 1992 — SHB 2327 (C 297 L 90)

Regulation of acupuncture practice
Extended to June 30, 1992 — SHB 2327 (C 297 L 90)

Parimutuel wagering on horse races at satellite facilities
Extended to June 30, 1992 — SHB 2327 (C 297 L 90)

Business Assistance Center
Extended to June 30, 1992 — SHB 2327 (C 297 L 90)

Regulation of counselors, social workers, mental health counselors, and marriage and family counselors
Extended to June 30, 1994 — SHB 2327 (C 297 L 90)

Regulation of naturopaths
Extended to June 30, 1994 — SHB 2327 (C 297 L 90)

Examining Board of Psychology
Extended to June 30, 1995 — SHB 2327 (C 297 L 90)

Radiologic Technologists
Extended to June 30, 1995 — SB 6210 (C 6 L 90)

New Programs Placed on Sunset Schedule

Puget Sound Water Quality Authority
June 30, 1995 — SHB 2482 (C 115 L 90)

Advisory Council on Economic Diversification
June 30, 1996 — SHB 2706 (C 278 L 90 PV)

Programs to Terminate Without Sunset Provisions

Economic Development Board
June 30, 1993 — SHB 2327 (C 297 L 90)

Migratory Waterfowl Art Committee
June 30, 1994 — SHB 2327 (C 297 L 90)

Export Trading Companies
June 30, 1994 — SHB 2327 (C 297 L 90)

Programs Extended Without Sunset Provisions

Public Works Board	SHB 2327 (C 297 L 90)
Career Executive Program	SHB 2327 (C 297 L 90)
Public Disclosure Commission	SHB 2327 (C 297 L 90)
Small Business Improvement Council	SB 2327 (C 297 L 90)
Washington Sunrise Act	SHB 2327 (C 297 L 90)
Washington Ambassador Program	SHB 2327 (C 297 L 90)
Washington Council for the Prevention of Child Abuse and Neglect	SHB 2327 (C 297 L 90)
Board of Pharmacy	SHB 2524 (C 83 L 90)
Occupational therapy	SB 6267 (C 13 L 90)

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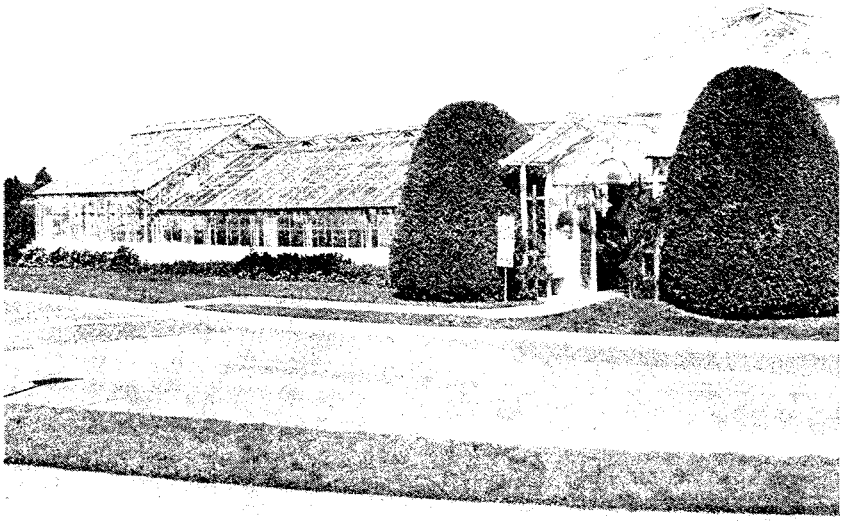
Section II
Veto Messages

House Bills
Senate Bills



Washington State Capitol Conservatory

The conservatory was designed by Olympia architect Joseph Wohleb and was built in 1939 to celebrate the state's 50th birthday. The conservatory's 50th anniversary was celebrated during the state's centennial in 1989. In 1963 the conservatory was enlarged and then remodelled in 1989 with the assistance of the Department of Ecology's conservation corps.

The conservatory is a propagation center for the plants and cuttings used throughout the Capitol campus for seasonal landscaping. In addition, the staff provides cut flowers for the Governor's Mansion and maintains the mansion gardens.

Highlights of the conservatory include a greenhouse with a tropical plant display, and a bricked sitting room for visitors. The conservatory is open to the public 8:00 a.m. to 4:30 p.m. Monday through Friday, and seven days a week Memorial Day through Labor Day.

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STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 23, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Engrossed House Bill No. 1491 entitled:

"AN ACT Relating to community action agencies."

Community action agencies provide a valuable service in the State of Washington, by administering a variety of low-income programs. Section 1 establishes a statutory reference for this service delivery system. Section 2 defines the role of community action boards.

I have vetoed section 2 because the language creating the power of the boards is in conflict with the manner in which some agencies in the state operate. Some agencies are funded through political subdivisions and the language in the bill would interfere with the administrative practices of these subdivisions and create a potential for litigation.

With the exception of section 2, Engrossed House Bill No. 1491 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 14, 1990

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

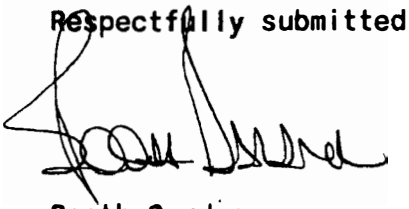
I am returning herewith, without my approval as to section 48, Engrossed Substitute House Bill No. 1825 entitled:

"AN ACT Relating to high capacity transportation systems."

Section 48 changes a reference in current law from "rail development" account to "high capacity transportation" account. Section 308(2)(a) of Engrossed Substitute Senate Bill No. 6358, an act relating to transportation taxes, amends the same section of current law in a similar manner and makes additional revisions. In order to avoid duplicative amendments, I am vetoing section 48.

With the exception of section 48, Engrossed Substitute House Bill No. 1825 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 26, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 9, Substitute House Bill No. 2342 entitled:

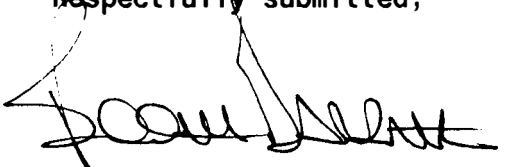
"AN ACT Relating to fire sprinkler system contractors."

Section 9 requires the director of the Department of Community Development to create a statutory advisory committee for fire protection sprinkler systems. The committee is to be composed of local representatives, county representatives, and individuals involved with the industry. Although I concur with the need to involve affected parties and will direct the department to pursue this goal, the director of the Department of Community Development has existing authority to create advisory committees, as required, and there is no need to mandate this committee in statute.

For this reason, I have vetoed section 9 of Substitute House Bill No. 2342.

With the exception of section 9, Substitute House Bill No. 2342 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 11, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 415, Second Substitute House Bill No. 2379 entitled:

"AN ACT Relating to student enrollment options."

I requested this bill as part of my effort to restructure our public education system, increase parent involvement and improve student performance by increasing students' enrollment options. I am extremely pleased the legislature supported this effort.

Section 415 of the bill creates a task force to study the possibility of extending the Running Start Program to allow 11th and 12th grade students the opportunity to attend four-year institutions of higher education. It is unnecessary to establish a statutory task force for this purpose. Further, no provisions were made for staffing the task force and though reimbursement for travel expenses is specified, no funds were appropriated.

For the reasons stated above, I have vetoed section 415.

With the exception of section 415, Second Substitute House Bill No. 2379 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 27, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4, 5, 11, 14, 15 and 16, Substitute House Bill No. 2403 entitled:

"AN ACT Relating to video telecommunications."

This bill recognizes the need for a well planned, carefully coordinated, and incrementally implemented state-wide telecommunications system and clarifies the relationship and responsibilities of each of the independent state entities involved.

Section 4 and section 5 of the bill would dramatically alter the membership of the Information Services Board. The board gathers input from the broad scope of interests knowledgeable in information technology of all kinds. I am concerned that implementation of sections 4 and 5 would cause a significant loss of continuity in board membership and diminish for some time the value of its advice on a wide variety of issues currently under its consideration, including telecommunications technology.

Section 11 of the bill would establish an advisory committee to the Information Services Board. As stated, the board already is authorized to receive input from all interested and knowledgeable sources. I encourage it to maximize that opportunity.

Sections 14, 15, and 16 attempt to address the issues surrounding educational programming which includes commercials and its use in public schools. Section 15 calls for the Office of the Superintendent of Public Instruction, in cooperation with the Washington State School Directors' Association, to encourage school districts not to make a decision on using this programming

To the Honorable, the House
of Representatives of the
State of Washington
March 27, 1990
Page 2

until the results of the study mandated in section 16 are known. This pre-empts a school district's ability to make reasoned decisions on this subject and prejudices the outcome of the study. These are issues better addressed and resolved at the local level, where the school districts can better identify and weigh the particular advantages and disadvantages of using such programming.

For these reasons, I have vetoed sections 4, 5, 11, 14, 15 and 16 of the bill.

With the exception of sections 4, 5, 11, 14, 15 and 16, Substitute House Bill No. 2403 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 27, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 7, House Bill No. 2411 entitled:

"AN ACT Relating to the health care authority."

Section 7 of the bill seeks to transfer responsibility for review of proposals for mandated health care coverage from the Department of Health to the Health Care Authority.

Less than one year ago, the Department of Health was given the responsibility for formulating the executive's policy recommendations for health care in the state. The Health Care Authority's primary responsibility is to implement the state's health care policy for public employees by purchasing affordable health care programs.

In order to avoid an appearance of conflict of interest by a major purchaser of health care programs, it is appropriate at this time that the agency responsible for policy recommendations related to mandated health coverages and the agency responsible for purchasing programs reflecting those mandates remain independent. Section 7 would dissolve this independence.

Further, the primary responsibility for the Department of Health is the "general oversight and planning for all of the state's activities as they relate to the health of its citizenry." The duty to review and comment upon proposed mandates falls within that mission and I see no reason, at this time, to shift that duty from the Department of Health.

For these reasons, I have vetoed section 7 of the bill.

With the exception of section 7, House Bill No. 2411 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 29, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 8, Second Substitute House Bill No. 2443 entitled:

"AN ACT Relating to the Warren G. Magnuson institute for biomedical research and health professions training."

This bill creates the Warren G. Magnuson Institute for Biomedical Research and Health Professions Training within the Health Sciences Center at the University of Washington. The institute may be funded through a combination of federal, state, and private funds, including earnings on the University's local endowment fund. The earnings on the endowment fund would be used primarily for the purpose of supporting one or more individuals engaged in biomedical research into the causes of, the treatments for, or the management of diabetes.

Section 8 would nullify this bill, if specific funding for the purposes of this act is not provided in the omnibus appropriations act by June 30, 1990. By vetoing this section, the institute will exist in statute and private cash donations can still be raised by the University of Washington, the Washington Chapter of the American Diabetes Association, and other interested parties. The donations would be deposited into the University's local endowment fund, and the earnings on the fund would be available to support diabetes research activities. For this reason, I have vetoed section 8 of this bill.

With the exception of section 8, Second Substitute House Bill No. 2443 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 28, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, House Bill No. 2526 entitled:

"AN ACT Relating to registration of telecommunication companies."

The provisions of section 1 of this bill are identical to the provisions of Senate Bill No. 6510, which has already been enacted into law. To avoid duplication, I have vetoed section 1 of this bill.

With the exception of section 1, House Bill No. 2526 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 14, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval Substitute House Bill No. 2587, entitled:

"AN ACT Relating to port district road improvements."

This bill provides port districts the authority to expend port funds on constructing, improving, or repairing any street, road, or highway that serves port facilities.

On March 6, 1990, I signed Substitute Senate Bill No. 6531, which accomplishes the same result as this bill.

For this reason, I have vetoed Substitute House Bill No. 2587 in its entirety.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 29, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

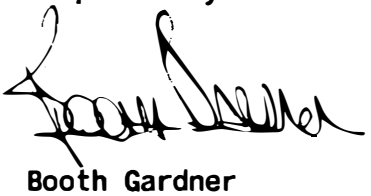
I am returning herewith, without my approval as to section 3, Engrossed House Bill No. 2602 entitled:

"AN ACT Relating to adoption."

Section 3 of Engrossed House Bill No. 2602 defines "birth parent" for the purposes of adoption statutes. This definition is in conflict with section 1 of Substitute Senate Bill No. 6494 which has already been enacted. Because the definition in that measure is more inclusive and contains additional changes to existing law, I have vetoed section 3 of this bill.

With the exception of section 3, Engrossed House Bill No. 2602 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
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98504-0413

BOOTH GARDNER
GOVERNOR

March 30, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Engrossed Substitute House Bill No. 2603 entitled:

"AN ACT Relating to children's health."

This bill establishes the children's health program to provide health care services to children in poverty who are not otherwise eligible for medical assistance. I appreciate the Legislature's support for this state-funded health care program for young people in poverty.

Section 3 of this bill substantially changes the access support portion of the original proposal. My intention in our original bill was to have the Department of Social and Health Services (DSHS) work closely with the Department of Health to identify areas of the state experiencing difficulties with access of young children to pediatric care. I also intended the Department of Social and Health Services, in close coordination with the Department of Health, to provide technical and financial assistance to local communities to break down the barriers to access for poor children. The access support program for pediatric care was to use substantially the same process as is being used for maternity and perinatal care in the First Steps program.

Section 3 essentially allows only county governments to apply for and receive state financial and technical assistance. The circumstances under which a local health care provider, such as a community or migrant clinic, may solicit state financial and technical support are unnecessarily constrictive. This is a different process than is used in the First Steps program.

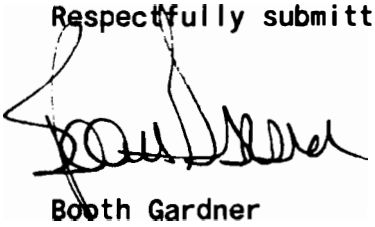
To the Honorable, the House
of Representatives of the
State of Washington
March 30, 1990
Page 2

Local communities are best able to identify problems with access, and are best able to develop local resources. The state should not dictate to local communities who should participate or what they should do. Within the boundaries of accountability, this program should have sufficient flexibility to allow the state to support innovative ideas. I encourage all local health care providers and county health departments to step up to the challenge of addressing poor children's access to health care.

The remainder of the bill contains sufficient statutory structure to allow the Department of Social and Health Services to administer an access support program. I direct DSHS, subject to funding, to work closely with the Department of Health to adopt an access support program that follows substantially the same process used in the First Steps program.

With the exception of section 3, Engrossed Substitute House Bill No. 2603 is approved.

Respectfully submitted,



Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

March 29, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Substitute House Bill No. 2706 entitled:

"AN ACT Relating to promoting economic diversification for defense-dependent industries and communities."

Substitute House Bill No. 2706 establishes a timely new program in the Department of Community Development to assist local communities identify and prepare for shifts in federal defense expenditures, to monitor those changes on an ongoing basis, and to assist communities and firms in their efforts at economic diversification.

Section 3 of the bill, however, would establish a new statutory advisory committee for the program. The Department of Community Development possesses existing statutory authority to seek the involvement and advice of representatives of local communities, firms and other citizens in the development and operation of new programs. While, for this reason, I have vetoed section 3 of the bill, I direct the Department of Community Development to exercize its authority and experience to meet the objectives of section 3.

With the exception of section 3, Substitute House Bill No. 2706 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

March 28, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Engrossed Substitute House Bill No. 2709 entitled:

"AN ACT Relating to district court electoral districts."

Engrossed Substitute House Bill No. 2709 deals with two subjects. Sections 1 and 2 resolve a problem in King County relating to the creation of subdistrict electoral units within a consolidated district court. The resolution of this sensitive issue involved extensive negotiations between the county and the district court judges, which resulted in an agreement.

Section 3, on the other hand, deals with a separate subject of equal sensitivity, but one which was not the result of agreement between affected parties. It mandates the election of an additional district court judge in Spokane County.

I am not convinced that section 3 represents good public policy for the state or for Spokane County. No one disputes the fact that there is a demonstrated need for additional judicial personnel in the Spokane County District Court. However, the mandatory nature of section 3 deprives the County Commission of the flexibility to resolve the caseload problem through other, and possibly less costly, means. To statutorily require the election of a new judge at this time seems premature and would second-guess the study that is now being conducted by the county.

Finally, there should be agreement between the county legislative authority and the court that adding judges is a reasonable solution to the caseload problem.

With the exception of section 3, Engrossed Substitute House Bill No. 2709 is approved.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

March 29, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 2746 entitled:

"AN ACT Relating to enticement."

This bill would create a new crime of enticement. This offense would cover those cases in which an individual attempts to entice a minor or developmentally disabled person to enter a vehicle, building, or other place for the purpose of sexual contact or gratification. Enticement would be a gross misdemeanor.

This measure is intended to add additional protection for children and persons with developmental disabilities. I do not, however, believe this bill will achieve its intended purposes, and would, in fact, create confusion in the law.

By requiring that the state prove that enticement was for the purpose of sexual contact or gratification, this legislation may create a gross misdemeanor for those acts that are now considered to be attempted felony sex offenses. Intent, or purpose, is always a difficult element of a criminal offense to prove. However, where the state can show that a person intends to commit a sex offense, charges should properly reflect the attempted felonious act.

I applaud the efforts the Legislature has taken to protect our communities from sex offenders and I urge the Legislature to continue seeking avenues for strengthening the state's protection of children.

For the reasons stated above, I have vetoed House Bill No. 2746 in its entirety.

Respectfully submitted,

Booth Gardner
Governor

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GOVERNOR

OLYMPIA
98504-0413

March 23, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 2761 entitled:

"AN ACT Relating to the Washington state school directors association."

This bill would allow the Washington State School Directors Association to:

"...provide for the compensation of officers for each day during which the officer attends an official meeting of the association or performs prescribed duties as approved by the Board of Directors of the Association..."

The School Directors Association is a state agency with part-time officers and members on its board of directors. Existing statutes consider comparability among similar state agencies and provide guidelines for compensation of part-time members.

These guidelines set the maximum compensation allowed for board and commission members based on responsibilities and duties performed by the Board. For example, the State Board of Education, with rule making authority and quasi-judicial powers, is classified as a "class three group". By law, its members are entitled to a maximum of $50 daily compensation for their time. By resolution, the school directors association board has also set its officers' compensation at $50 per day. This bill, however, sets no maximum limit on association officers' compensation.

I recognize the importance of school directors' public service and would be willing to work with the association on this important matter.

For the reasons stated above, I have vetoed House Bill No. 2761 in its entirety.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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BOOTH GARDNER
GOVERNOR

March 23, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 18, Substitute House Bill No. 2792 entitled:

"AN ACT Relating to podiatric physicians and surgeons."

Section 18 of this bill restates substantially the immunity from liability extended by RCW 18.130.300 (The Uniform Disciplinary Act) to the secretary, members of the board or individuals acting on their behalf. RCW 18.130.300 provides immunity based on "official acts performed in the course of their duties" for members of a variety of health care boards. Section 18 of this bill would extend immunity only to the Washington State Podiatric Medical Board for "any act performed in the course of their duties."

Neither the bill nor its legislative history provides further explanation of the change in immunity extended by section 18, nor a justification for such change to members of this particular health care board.

In order to maintain consistency, I have vetoed section 18 of this bill.

With the exception of section 18, Substitute House Bill No. 2792 is approved.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

March 15, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 73, House Bill No. 2797 entitled:

"AN ACT Relating to elections."

Section 73 amends RCW 29.21.075. Later, in section 112(14), that statute is repealed.

The provisions of section 73, outlining election procedures for District Court judges, are repeated in sections 80, 94, and 95 of this bill and, therefore, section 73 is redundant. To correct this technical error I have vetoed section 73.

With the exception of section 73, House Bill No. 2797 is approved.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

C O R R E C T E D

March 29, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 10, Engrossed Substitute House Bill No. 2831 entitled:

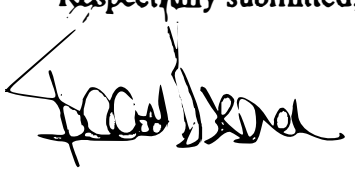
"AN ACT Relating to matching grants for higher education scholarships."

This bill creates an endowed scholarship program to help American Indian students obtain a higher education. American Indians are the most under-represented ethnic minority group in higher education. Through this program, however, an educational opportunity can be made available to many American Indians who might not otherwise be able to attend and graduate from higher education institutions in the State of Washington.

Section 10 of this bill would nullify this act, if specific funding for its purposes is not provided in the 1990 Supplemental Budget. The veto of this section will allow the program to go into effect. Private cash donations could still be raised by the Higher Education Coordinating Board and members of the American Indian community should the Legislature not fund the program in the 1990 Supplemental Budget. The donations would be deposited into the American Indian Scholarship Endowment Fund, and the earnings from this fund would be available to provide scholarships for financially deserving American Indian students. For this reason, I have vetoed section 10 of this bill.

With the exception of section 10, Engrossed Substitute House Bill No. 2831 is approved.

Respectfully submitted,



Booth Gardner
Governor

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BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

March 26, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Substitute House Bill No. 2861 entitled:

"AN ACT Relating to state agency responsibilities for the regulation of manufactured housing."

The bill consolidates certain administrative responsibilities related to manufactured housing from other state agencies into the Department of Community Development. Section 4 of the bill requires a related report to the Legislature by July 1, 1990.

Although I fully support the merits of the report required by section 4, the July 1, 1990, reporting date provides insufficient opportunity to develop the necessary and relevant information.

For this reason, I have vetoed section 4 of this bill.

I will direct the Department of Licensing, the Department of Labor and Industries and the Department of Community Development to provide a report to the Legislature as envisioned in section 4 of this bill by October 15, 1990.

With the exception of section 4, Substitute House Bill No. 2861 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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98504-0413

BOOTH GARDNER
GOVERNOR

March 26, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4, 8, 11, and 14, House Bill No. 2888 entitled:

"AN ACT Relating to child support."

The issues around child support are matters of increasing complexity in today's society. In the past several years, the Legislature has been struggling to create a fair system which ensures the well-being of children.

The Child Support Commission created a basic framework that attempts to fairly divide the responsibilities of financial support between parents. The commission fulfilled its function, which was to design an economic table based on data, outside of the political process and away from the volatile emotional climate that often occurs during divorce.

As I have said before, the support schedule needs some adjustments to ensure that second families are not unfairly disadvantaged. I anticipate that a variety of adjustments for this and other purposes will occur periodically as society changes. Since the child support system was enacted just last year, little data exists at this time to justify major changes that would substantially alter support levels.

I applaud the effort the Legislature made in House Bill No. 2888 to ensure that court decisions on support are well justified and documented. These changes create access to data which will be useful in future decisions about child support.

Many aspects of House Bill No. 2888 will benefit non-custodial parents. This legislation ensures that non-custodial parents will not have to pay additional support solely because the other parent received a salary increase. The issue of support for children obtaining post-secondary education is resolved with certainty and with protections for non-custodial parents.

To the Honorable, the House
of Representatives of the
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March 26, 1990
Page 2

Non-custodial parents are given clear rights regarding access to educational and health records. Courts are allowed to give either parent the right to claim the child as a tax exemption and non-custodial parents are ensured that disability benefits received by their children can be set off against the support obligation. Stepparents may terminate their obligation to support stepchildren much sooner, as well.

Section 4 supersedes the Washington State Child Support Schedule in the Washington register. I am vetoing this section to preserve the schedule as modified by House Bill No. 2888, since the other vetoes will require reference back to that schedule for some purposes.

Section 8 substantially modifies the manner in which gross income is calculated and deviations are to be made. Although I understand that this section attempts to adjust for possible inequities to second families, the legislation goes much further than that. It removes a wide array of items from the calculation of gross income, and shifts the burden of proof for deviations to custodial parents even in situations where the income is actually much higher than "gross income" as defined in this section. This section could substantially lower support for children, when no data exists to justify this change.

Section 11 contains a significant change that conflicts with the statutory policy. Existing law allows the court to use the economic table as advisory if the combined monthly net income exceeds the ceiling, but the court must order some additional support. This section eliminates the mandate that a child receive additional support when parents have incomes higher than the ceiling. RCW 26.19.001 states an intent that children in our state should receive support to meet their basic needs and additional support commensurate with their parents' standard of living.

Section 14 changes the way in which child care, transportation and other expenses are paid. Most of these expenses would no longer be paid in advance, which is likely to unfairly burden custodial parents. Furthermore, the remedies for failure to pay seem unworkable. This language appears to require a custodial parent to go to court each time the other parent fails to pay his or her share of a transportation cost or child care bill. I am concerned that this approach will impede a parent's ability to actually collect for expenses incurred and it would also result in more pressure on already crowded court dockets.

With the exception of sections 4, 8, 11 and 14, House Bill No. 2888 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

C O R R E C T E D

March 29, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed House Bill No. 2911 entitled:

"AN ACT Relating to interests of school district officers in contracts."

This bill would add an exemption to the state's conflict of interest statute. The existing statute attempts to achieve a balance between two often conflicting public benefits by 1) prohibiting conflicts of interest that potentially interfere with the proper performance of the duties of municipal officers; while 2) excluding remote interests from this prohibition to enable a larger pool of individuals to participate in municipal service. This new exemption would allow continuation of business contracts for goods initiated with a district prior to a member's election to the school board.

Despite the good intentions of its drafters, I do not believe it is in the best interests of the public to sign this bill into law. The exemption weakens the appearance of fairness. In addition, the bill creates a constitutional problem by distinguishing between individuals based on when they served on the school board.

For these reasons, I have vetoed Engrossed House Bill No. 2911 in its entirety.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 24, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 18, 25, 26, 27, 28, 29, 45, 75, 76, 78, 79, 80, 81, 83 and 84, Engrossed Substitute House Bill No. 2929:

"AN ACT Relating to growth."

Engrossed Substitute House Bill No. 2929 takes an important first step towards the goal of managing growth in this state's fastest growing counties.

I commend the Legislature for recognizing the importance of this issue and for the sustained commitment and hard work that went into this bill.

I welcome this measure, and am pleased to sign it into law.

This is an act that will benefit all of us, and all of our children. It will allow our most economically dynamic counties to preserve the endowment of clean air, pure water and natural beauty that is now threatened by rampant uncontrolled growth. It will encourage continuing economic prosperity by reforming decision-making processes that have all too often been unpredictable and disjointed. But most important, this bill is a cogent response to the concerns of thousands upon thousands of this state's citizens and taxpayers, who have insisted that we strike a better balance between economic development and environmental preservation.

It is important to recognize that this legislation is only the first step. In June, I will receive the recommendations of the Growth Strategies Commission. Those recommendations will be the basis for executive request legislation in the 1991 session. We fully intend to pursue further actions to ensure that measure is strengthened and clarified.

The crafting of this intricate bill in a single legislative session has resulted in a number of technical problems that require my veto of several sections. Because my veto power is limited to entire sections, in several cases, I must veto provisions that I support because of flaws that appear within the same section.

Although I regret some of these actions, I am confident that we can resolve the problems during the next legislative session.

Section 18

This section requires special districts to act in conformity with policy goals in the act and with local comprehensive plans. Ensuring consistency between county and local governments and the numerous overlapping special districts that provide needed services is necessary for successful growth management. However, the exemptions provided in subsection 3 for port districts and municipal airports do not promote consistency and may unintentionally result in ports and municipal airports being exempted from all land use requirements. Because I am unable to partially veto sections to eliminate technical or policy concerns, I must veto section 18. Despite my veto, I believe the consistency mandate is addressed by existing case law.

Sections 25, 26, 27, 28, and 29

These sections authorize local governments to contract with developers for construction of facilities related to specific projects. Lack of clarity opens up a wide range of questions concerning the application of the state's prevailing wage laws. While these sections offer a good tool to permit local governments to work with developers to construct needed infrastructure for growth, the legal uncertainty on prevailing wage impacts is too great. Policy in this area should be debated as part of future growth management efforts.

Section 45

Local governments are increasingly short of funds to make necessary public improvements. The money to pay for new or improved roads, water systems, sewage facilities, parks, and schools has traditionally come from general tax revenues or utility charges. However, explosive growth is currently outpacing the ability to finance public facilities necessitated by that growth.

With the exception of one sub-section, this bill captures all the essential elements of a legally permissible impact fee process to enable local governments planning under the provisions of this bill to require that certain public facilities be financed by development necessitating such facilities.

In addition to financing public facilities through the imposition of impact fees, the substantive authority under the State Environmental Policy Act

allows a local jurisdiction to approve a project subject to a requirement that the developer mitigate or pay a fee to mitigate specific adverse environmental impacts. I am concerned that subsection (1) of section 45 limits substantive authority under the State Environmental Policy Act without considering the full impact of such limitation.

While I agree that the imposition of impact fees and the authority under the State Environmental Policy Act should not be used to impose duplicative fees or requirements on developers, I am unwilling to affect the State Environmental Policy Act without full knowledge of the consequences. Larger jurisdictions may well be able to plan for or anticipate the system needs associated with growth. I am concerned, however, that smaller jurisdictions, who were not involved in the negotiations surrounding this section, may not have the staff to fully understand the importance of these sections and as a result may lose the ability to mitigate for unanticipated needs related to growth. Despite the veto of section 45, protection against arbitrary or duplicative fees is present in section 43 of this bill.

Because I am unable to partially veto sections to eliminate technical or policy concerns, I must veto all of section 45, despite important provisions contained in subsections (2) through (7). My veto is necessitated by the cloud section 45(1) places over the State Environmental Policy Act.

Sections 75, 83, & 84

These three sections undertake new program initiatives in the departments of Trade and Economic Development and Community Development. While the contemplated programs are thoughtful, the use of Community Economic Revitalization Board funds to fund ongoing programs of this kind is inappropriate. Therefore, I am vetoing these sections. I am however, directing the Department of Trade and Economic Development to assist efforts by small businesses to increase their competitiveness through the use of cooperative networks, using funds provided in the budget, and I am directing the Department of Community Development to explore opportunities to provide training and technical assistance to community-based organizations serving low-income urban and rural areas.

Sections 76, 78, 79, 80 & 81

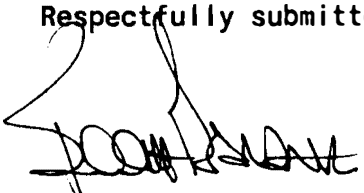
These sections authorize new activities and program initiatives in the Department of Trade and Economic Development. These activities lack legislative funding and are authorized in an overly prescriptive fashion by the Legislature. However, I am directing the Department to utilize the available funds to evaluate existing state-supported applied research and technology transfer activities in the state. I am also directing the

To the Honorable, the House
of Representatives of the
State of Washington
April 24, 1990
Page 4

Department to conduct an initial examination of opportunities for collaboration between higher education, industry and the state as a way to increase the economic competitiveness of the state. Further, I am directing the Department to continue to explore ways to provide bid information to small businesses through the electronic bulletin board system.

With the exception of sections 18, 25, 26, 27, 28, 29, 45, 75, 76, 78, 79, 80, 81, 83, and 84, I am approving Engrossed Substitute House Bill No. 2929.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
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98504-0413

BOOTH GARDNER
GOVERNOR

March 31, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2, 3, 4, 5, 6, 7 and 8, Engrossed House Bill No. 2939 entitled:

"AN ACT Relating to population limits at correctional institutions."

Section 1 of this bill repeals the statutory limits on the inmate populations of Shelton and Monroe correctional facilities. This change is necessary for the Department of Corrections to accommodate a rapidly increasing inmate population. Recent enhancements to the state's criminal statutes, particularly with respect to drug offenders, burglars and sex offenders, are projected to cause a doubling of prison inmates by the year 1996. Every effort must be made to ensure that these offenders are not released for lack of space.

Sections 2 through 7 establish a formula for providing mitigation funds to certain communities affected by the repealed population caps. I recognize that some communities have experienced the brunt of the state's need for prison sites.

I further recognize that those communities should not be asked to experience negative impacts without recompense. Nonetheless, I cannot support the provisions of this bill which offer a piecemeal approach to mitigation funding. If a statutory mitigation funding formula is to be adopted, it must be applicable statewide.

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In addition, section 8 of this measure requires the Department of Corrections to continue staffing at the Washington Corrections Center at a level consistent with the current prison staffing model. This model is an administrative tool, and should not be embodied in statute. Furthermore, section 8 proposes to violate its own direction by prohibiting the department from staffing below current levels. Where the model would justify staffing at lower levels, fiscal prudence demands that we do so.

For the reasons stated above, I have vetoed sections 2, 3, 4, 5, 6, 7 and 8.

With the exception of sections 2, 3, 4, 5, 6, 7 and 8, Engrossed House Bill No. 2939 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 31, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute House Bill No. 2940 entitled:

"AN ACT Relating to vehicle dealer documentary service fees."

This bill would provide vehicle dealers with an exception from the Unfair Practices - Dealer's Licenses statute. The dealers would be able to itemize on sales documents a "documentary service fee" of up to twenty-five dollars per vehicle sale for their preparation and handling of documents relating to licensing, registration, title verification, transfer of title, and the like. Dealers would be required to disclose this service fee in any advertisement.

The purpose of the Unfair Practices statute is to protect consumers from misleading and deceptive charges in sales documents. This bill does not further that purpose. Consumers are likely to be confused about their obligation to pay the fee. Consumers may wrongly assume that the fee is authorized or even mandated by the State. Many consumers are not sophisticated in negotiating the purchase of a vehicle and this fee makes it harder for them to understand the already confusing components of the purchase price.

While I understand the vehicle dealers' concern about their responsibilities in assuring that vehicle sales are properly documented, I am mindful of several improvements over the last year that assist dealers in complying with federal, state, and financial institution requirements.

These improvements include the motor vehicle excise tax simplifications that are part of this year's fuel tax bill -- improvements that greatly streamline and simplify the valuation and depreciation process. I am also aware of the

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Dealer Manual, published by the Department of Licensing for the first time last year, which is available to all dealers, containing clear, concise direction for vehicle licensing. Additionally, the Department of Licensing recently extended, from fifteen to thirty days, the time allowed dealers to transfer title.

Because I am confident that the concerns leading to Substitute House Bill No. 2940 can best be addressed outside of the legislative arena, I direct the Department of Licensing, through its Industry Advisory Committee, to identify means to further simplify and reduce the regulatory burden placed on the motor vehicle dealer industry.

For the reasons stated above, I have vetoed Engrossed Substitute House Bill No. 2940 in its entirety.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 19, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, House Bill No. 2942 entitled:

"AN ACT Relating to progress reports on the recreational fisheries enhancement plan."

I am supportive of the Recreational Fisheries Enhancement Plan initiated by the Washington Department of Fisheries. I also understand the interest of legislative members in being kept apprised of the implementation of the Plan. I do not, however, believe that it is necessary to codify the intent section of this bill.

I have vetoed section 3 which would have required the codification and will ask the Code Reviser to footnote the intent section.

With the exception of section 3, House Bill No. 2942 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 29, 1990

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Second Substitute House Bill No. 2986 entitled:

"AN ACT Relating to minor adjustments to chapter 271, Laws of 1989."

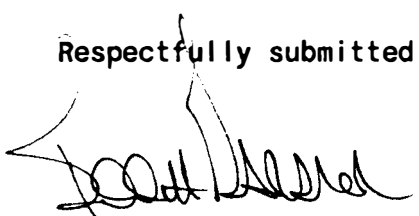
Section 1 of this bill imposes an unnecessary and redundant administrative burden upon the executive in its handling of unanticipated receipts of federal funds. RCW 43.79.260 through 43.79.282 currently provides for the receipt, review, approval, and legislative notification of all unanticipated federal funds.

I recognize the intent of the Legislature to replace, where possible, state funds if unrestricted federal funds are received. It has been executive policy to replace state funds where appropriate. Current law offers adequate control and allows for individual review of all unanticipated receipts.

For this reason, I have vetoed section 1 of Second Substitute House Bill No. 2986.

With the exception of section 1, Second Substitute House Bill No. 2986 is approved.

Respectfully submitted,



Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

April 13, 1990

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 8, Reengrossed Senate Bill No. 5371 entitled:

"AN ACT Relating to excellence in teacher preparation."

This bill establishes two important programs. It creates an annual award program to recognize excellent higher education teacher educators. The second portion of the bill establishes the excellence in teacher preparation program to provide cooperating teachers to all student teachers during their internship with local school districts. Both programs are essential components in our continuing efforts to improve teacher preparation and I am pleased to sign them into law.

Section 8 of the bill, however, delays the effective date for the sections of the bill that establish the excellence in teacher preparation program. It is important that this program go into effect without delay to allow the Superintendent of Public Instruction to publish regulations and the institutions of higher education to begin the planning process that will enable them to begin operating the program as soon as funds are appropriated.

For the reasons stated above, I have vetoed section 8.

With the exception of section 8, Reengrossed Senate Bill No. 5371 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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GOVERNOR

OLYMPIA
98504-0413

C O R R E C T E D

March 31, 1990

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Second Substitute Senate Bill No. 5835 entitled:

"AN ACT Relating to energy education."

This bill requires the Superintendent of Public Instruction, with the assistance of an Energy Education Advisory Committee, to develop and disseminate an energy information program for use in local school districts.

It is essential that the state's citizens understand the need for using energy efficiently and the trade-offs associated with acquiring energy resources. I concur that it is desirable to begin a public education campaign on energy issues through our school system.

Section 3 requires the Superintendent of Public Instruction to establish an Energy Education Advisory Committee but includes no sunset date for that committee. Currently, the Superintendent has authority to establish ad-hoc committees as the need arises. The Superintendent has assured me that individuals representing a broad spectrum of viewpoints on energy issues will be consulted.

For the reasons stated above, I have vetoed section 3 of Second Substitute Senate Bill No. 5835.

With the exception of section 3, Second Substitute Senate Bill No. 5835 is approved.

Respectfully submitted,

Booth Gardner
Governor

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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 29, 1990

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2 and 3, Engrossed Second Substitute Senate Bill No. 5882 entitled:

"AN ACT Relating to reckless, negligent, and inattentive driving."

Section 1 of this bill makes the crime of reckless driving a gross misdemeanor punishable by imprisonment of up to one year and by a fine of up to five thousand dollars. Increased penalties for this serious traffic offense should be a useful tool to prosecutors, police and judges.

Section 2 provides a 90-day maximum jail sentence for the less serious traffic offense of negligent driving. Currently, negligent driving is not punishable by imprisonment. While the overall intent of this bill is to provide judges with more options through increased penalties, this particular change fails to accomplish the intended result. It is counterproductive to increase the penalty for negligent driving while at the same time trying to reduce the number of cases that are plea-bargained from DWI and reckless driving to negligent driving. Of additional concern is the drain on resources associated with this change. Emphasis must be placed on providing the jail space and law enforcement personnel to assure convictions and stiff sentences for our most serious criminal and traffic offenders. I encourage the Legislature, working together with local officials, to pursue comprehensive solutions for our criminal justice system.

Section 3 creates a new traffic infraction of inattentive driving. The definition of this new infraction potentially punishes behavior where no erratic driving is present and thus creates enforcement problems for the police. Existing specific violations are adequate and this infraction is unnecessary.

For the reasons stated, I have vetoed sections 2 and 3.

With the exception of sections 2 and 3, Engrossed Second Substitute Senate Bill No. 5882 is approved.

Respectfully submitted,

Booth Gardner
Governor

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98504-0413

BOOTH GARDNER
GOVERNOR

April 23, 1990

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Senate Bill No. 6114 entitled:

"AN ACT Relating to corrections."

This measure creates a statutory formula for providing mitigation funds to counties where state correctional facilities are located. The Department of Corrections is required to provide funds based on the number of inmates' families living in close proximity to the facility.

It is the policy of this state to reimburse local governments for the direct impacts experienced by the location of correctional facilities. The Institutional Impact Account has been created to ensure that counties are compensated when they provide services required by the activities of inmates.

This bill, however, proposes to go further by providing mitigation funds for impacts that are not directly associated with the operation of the facility. Further, the term "close proximity" is inexact, as is the term "inmate family." Thus, this bill provides neither a clear rationale nor a workable model for providing mitigation funds.

For these reasons, I have vetoed Engrossed Senate Bill No. 6114 in its entirety.

Respectfully Submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

C O R R E C T E D

March 29, 1990

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Substitute Senate Bill No. 6190, as amended by the House, entitled:

"AN ACT Relating to prevention of head injuries."

Section 5 requires the Department of Health to establish a state-wide trauma registry to collect information on the incidence, severity, and causes of traumatic brain injury. This registry is to identify and track major brain injury cases from onset through rehabilitation or recovery, and is to keep specific statistics on helmet and non-helmet, motorcycle-related head and neck injuries. This section would also require the Department of Health to report to the Legislature on the feasibility of expanding the registry to include information on minor brain injuries.

This bill contains an appropriation of $49,000 to the Department of Health for all the purposes of this act. The Department's estimate of the fiscal impact of section 5 alone is nearly $500,000. I cannot in good conscience sign into law a program which will put the Department of Health at such a fiscal risk.

However, I am signing into law Substitute Senate Bill No. 6191, as amended by the House. Substitute Senate Bill 6191 requires the Department of Health to establish a state-wide data registry to collect and analyze data on the incidence, severity, and causes of trauma, including traumatic brain injury. That provision is more comprehensive than section 5 of Substitute Senate Bill No. 6190. It is very likely that if adequately funded, the Department could collect the information required by section 5 of Substitute Senate Bill No. 6190 in the overall trauma registry of Substitute Senate Bill No. 6191.

For these reasons, I have vetoed section 5 of Substitute Senate Bill No. 6190.

With the exception of Section 5, Substitute Senate Bill No. 6190 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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98504-0413

BOOTH GARDNER
GOVERNOR

March 31, 1990

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 6253 as amended by the House entitled:

"AN ACT Relating to the regulatory taking of private property by state government."

This bill sets a bad precedent by attempting to turn a complex and changing legal area into an overly simplistic administrative checklist. The bill also sends a very threatening message to agencies regarding the regulation of land use for health, safety and environmental protection. In addition, it creates an administrative process intended, but legally unable, to replace a current judicial process.

While it is true that both the state and U.S. Constitutions prohibit the "taking" of property without just compensation, it is not true that any regulation of land amounts to a "taking." More importantly, should a regulation amount to a constitutional infringement on someone's property rights, the analysis may well be that of a violation of due process, rather than a "taking", in which case the remedy is invalidation not compensation. The recent Washington Supreme Court opinion, Presbytery of Seattle v. King County, re-emphasized that there is only a slight risk of a taking occurring from regulatory programs, such as King County's wetland ordinance.

This bill would establish yet another administrative layer in state government. In conducting rule-making, state agencies currently must comply with the Administrative Procedure Act, the Regulatory Fairness Act, the State Economic Policy Act, and the State Environmental Policy Act. All agency rules are also submitted to a joint legislative committee for review (JARRC). Yet another layer would only further delay agency action and provide more reason for the public to view government as an administrative nightmare.

To the Honorable, the Senate
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March 31, 1990
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This bill would require the Attorney General's office to develop guidelines for evaluating and avoiding the risk of "regulatory takings." The Attorney General's office, in its role of advising each state agency, already reviews policies and provides advice on constitutional parameters. There is no need to codify the nature of the advice given, especially since the parameters have been and may continue to evolve within the judicial system.

The real impact of this bill is to impose an additional layer of review on governmental regulation in the hope that a more cautious approach by governmental entities will ensue. A bill such as this only serves to intimidate regulatory entities from making the difficult but necessary choices presented by the most sensitive environmental land-use problems.

For these reasons, I have vetoed Senate Bill No. 6253.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

February 28, 1990

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1202, Engrossed Second Substitute Senate Bill No. 6259 entitled:

"AN ACT Relating to criminal offenders."

Engrossed Second Substitute Senate Bill No. 6259 is among the most significant legislation enacted in Washington State. Stemming from brutally violent crimes that recently rocked our state, this measure represents a comprehensive, balanced, and effective approach to addressing sexual violence in our communities.

In order to ensure that careful deliberation was given to changes in the state's criminal justice system's response to violent predatory crimes, I authorized the creation of the Governor's Task Force on Community Protection. The Task Force was able to reach broad agreement on the elements of this bill by listening not only to professionals who work with offenders and victims, but also to citizens around the state who had been touched by crime.

One of the Task Force's recommendations was the creation of a crime victims' advocate with programmatic responsibilities within the Department of Community Development. Section 1202 places the crime victims' advocate within the Governor's Office. A grant program is created separately within the Department of Community Development.

I endorse the creation of a crime victims' advocate to review and coordinate victim's programs. To prevent fragmentation, however, I believe the position should be located in an agency with program responsibilities.

For these reasons, I am vetoing section 1202 of Engrossed Second Substitute Senate Bill No. 6259. In concert with this veto, I am promulgating an Executive Order establishing the office of crime victims' advocacy within the Department of Community Development.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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98504-0413

BOOTH GARDNER
GOVERNOR

March 30, 1990

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Senate Bill No. 6292 entitled:

"AN ACT Relating to the control of mosquitos."

This bill allows local mosquito control districts to establish a policy that the control of mosquitos within the district is the responsibility of the owner of the land from which the mosquitos originate. However, section 1 of the bill expands the common definition of owner from the possessor of the legal or equitable title to include anyone with any other interest entitling the person to possession or management control. Individuals who are renting or leasing property would, therefore, be responsible for mosquito control. This definition would confuse landowners and tenants and would be inconsistent with other statutes relating to property ownership and management. For these reasons I have vetoed section 1.

With the exception of section 1, Senate Bill No. 6292 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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98504-0413

BOOTH GARDNER
GOVERNOR

March 28, 1990

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1, 2, 4, 5, and 6, Substitute Senate Bill No. 6306 entitled:

"AN ACT Relating to tenure modification at community colleges."

Section 2 of this bill amends the community college faculty tenure review process by changing the maximum probationary period language from "three consecutive college years, excluding summer quarters" to "nine consecutive college quarters, excluding summer quarters and approved leaves of absence". In addition, section 2 provides that the probationary period could be extended up to three additional college quarters upon the recommendation of the review committee, and with the consent of the probationary faculty member and the appointing authority. Both the institution and the probationer would benefit by these changes.

I am supportive of an initiative which clarifies, and possibly lengthens, the performance review of faculty appointees prior to the granting of tenure, as long as the initiative improves the review process. I do not believe, however, that this proposed legislation adequately corrects the problems associated with the award of faculty tenure following a probationary period.

Under current law, the appointing authority, upon deciding not to renew a probationary faculty appointment, is required to notify the probationer of its decision by no later than the last day of the winter quarter in the third consecutive college year. Since this requirement was not eliminated in conjunction with the probationary period changes, virtually no improvement is made to the current review process. With the removal of section 2, sections 1, 4, 5 and 6 are superfluous. For these reasons, I have vetoed sections 1, 2, 4, 5 and 6 of Substitute Senate Bill No. 6306.

To the Honorable, the Senate
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Page 2

Section 3 of this bill requires the State Board of Community College Education to conduct a study of salaries for faculty and administrators at Community Colleges. That study, which I support, is already underway. This provision has the benefit of formalizing that study and setting a reporting date.

With the exception of sections 1, 2, 4, 5, and 6, Substitute Senate Bill No. 6306 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 23, 1990

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Senate Bill No. 6399 entitled:

"AN ACT Relating to employer cooperation with the office of support enforcement."

Section 1 dramatically reduces the sanctions against employers who unlawfully penalize a person who pays child support through wage assignment.

Employers have cooperated well with wage assignment statutes, and there has been no indication that the existing sanctions have been abused to the detriment of employers.

Employee protections were established in furtherance of public policy that encourages and protects persons who pay their child support. Children also benefit when persons supporting them are protected from arbitrary actions by employers.

With the exception of section 1, Senate Bill No. 6399 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

C O R R E C T E D

April 23, 1990

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 116(7), section 120(5), section 206(1)(a)(iv), section 207(1)(g), section 208(14), section 218(7), section 221(8), section 225(25), section 225(27), section 229(2)(c), section 229(3)(b), section 302(20), section 302(25), section 306(17), section 306(18), section 306(19), section 306(26), and section 705 of Substitute Senate Bill No. 6407 entitled:

"AN ACT relating to fiscal matters."

My reasons for vetoing these sections are as follows:

Section 116(7)

This section directs the Office of Financial Management to study the Schools for the Deaf and Blind to determine the management organization and fiscal practices necessary for maximum operational and financial efficiency.

I am vetoing this item because these studies have already been done. Another study will not improve the operations of these schools. I will direct the Office of Financial Management to assist the schools to improve their efficiency and fiscal practices, but I do not feel another study at this time is needed.

Section 120(5)

Section 120(5) directs the Department of Revenue to immediately promulgate and implement a rule providing for fair and equitable applications of the business and occupation tax to persons engaged in business as tour operators. The Department has processes in place through which any taxpayer or group of taxpayers can appeal their treatment under the state's tax laws and Administrative Code. I am vetoing this subsection because it constitutes an inappropriate intrusion into the appeal and due process provisions already present in tax law and the Washington Administrative Code.

Section 206(1)(a)(iv)

Section 206(1)(a)(iv) requires that mentally ill nursing-home residents who do not need a nursing-home level of care be transferred and provided services through regional support networks. Further, the person may not be transferred without his or her consent or consent of his or her guardian.

This requirement for consent is in conflict with federal Medicaid requirements for nursing-homes, as amended by the Omnibus Budget Reconciliation Act of 1987. The federal law requires that, in some cases, mentally ill nursing-home residents who do not need a nursing-home level of care must be discharged. Were the state to allow persons meeting the federal discharge criteria to reside in Medicaid-funded nursing-homes, the federal government would not share in the nursing home cost of care.

Section 207(1)(g)

This item directs that portions of the money appropriated in section 207 are provided solely for salary and benefit increases for employees of community-contracted facilities serving the developmentally disabled. The chairs of the legislative fiscal committees have indicated by letter that the intent of the Legislature was that these funds be provided only to residential facilities serving the developmentally disabled. Therefore, to ensure that these funds are expended as intended, I am vetoing this item and directing the Department of Social and Health Services to expend the funds to provide salary and benefit increases effective May 1, 1990, for employees of community-contracted residential facilities serving the developmentally disabled.

Section 208(14)

This subsection directs that mentally ill persons not in need of nursing home care may be referred to residences outside regional support networks. Senate Bill No. 5400 and the 1989 Biennial Budget bill directed the Department of Social and Health Services to implement the federal Omnibus Budget and Reconciliation Act of 1987 (OBRA). Senate Bill No. 5400 requires that funding be distributed to regional support networks for residential services for a variety of populations, including persons transferred from nursing homes. The budget bill appropriated all OBRA funding to the regional support networks. The Department, with legislative endorsement, is implementing OBRA beds incrementally in areas of the state with regional support networks. At this point of the biennium, the Department cannot shift course and reallocate funding differently and jeopardize programs being developed under the policies of Senate Bill No. 5400. I am vetoing this subsection to avoid this conflict.

Section 218(7)

This subsection restores chiropractic services to the medical assistance program but limits payments to ten treatments per recipient per twelve-month period. Limiting the number of chiropractic treatments by budget proviso is overly prescriptive. The Department of Social and Health Services intends to provide limited chiropractic services within the funds appropriated for this purpose. The Department has options to limit the number of treatments covered, which will ensure that the service can be provided within available funds. Within these general limits, the Department needs the ability to approve, on an exception basis, a greater number of treatments if it is determined to be medically necessary.

Section 221(8)

Section 221(8) limits to $250,000 the amount of the General Fund-State appropriation that may be expended on the Automated Clients Eligibility System (ACES). If the cost of the project in this biennium exceeds the limit by any amount, the Department of Social and Health Services would not be able to continue with the project until review in the 1991 session.

The Department of Social and Health Services estimates the 1989-91 cost of ACES planning and development at $339,000 General Fund-State. This estimate was provided to legislative staff, the Office of Financial Management, the Department of Information Services and the relevant federal agencies.

It is difficult to predict the federal match for the project. The amount of match currently assumed is tentative and could be revised by the participating federal agencies after the project is underway, making it impossible for the Department to guarantee that ACES expenditures will not exceed $250,000 General Fund-State before executing a contract.

The Department will continue to comply with the requirements of section 802, chapter 19, Laws of 1989, 1st Extraordinary Session, which requires ongoing review of information system projects by the Department of Information Systems and the Office of Financial Management.

Section 225(25)

This subsection requires the Department of Community Development to establish a new and significant children's ombudsman program. I am vetoing this appropriation because $90,000 is insufficient to create and properly administer a program of this scope. I will consider developing a budget item for inclusion in the 1991-93 biennium budget. The $90,000 will be placed in reserve, and not used for any other purpose.

Section 225(27)

This subsection unduly restricts the Department of Community Development from adequately administering the Housing Trust Fund program by providing that none of the housing trust fund appropriation may be used for administrative expenses. While it is my expectation that the $10 million appropriated will be expended on direct program activity, I am vetoing this subsection to make it clear that some of the interest earned on the $10 million will be expended on administration, as allowed under the statute governing the Housing Trust Fund. The Department must have the ability to staff the program adequately in

order to expedite the availability of these funds for local programs and to ensure that projects and contracts are monitored, that repayments be managed, and that site visits be conducted.

Section 229(2)(c)

This subsection states that the civil commitment of sexual predators pursuant to chapter 3, Laws of 1990, shall be at the Twin Rivers Corrections Center. Flexibility is needed to place the program where it can be operated most efficiently and effectively within the Monroe correctional facilities.

Section 229(3)(b)

Section 229(3)(b) provides prison impact funding. I recognize that some local jurisdictions may experience extraordinary costs relating to expansion of correctional institutions. The language of this subsection restricts the use of the appropriation to a few local jurisdictions for new purposes. In the interest of equitable distribution of impact funds, I am directing the Department of Corrections to develop revisions to the Washington Administrative Code that will specify how local jurisdictions are to be reimbursed for these new actual costs that are clearly related to offender populations.

Section 302(20)

Section 302(20)(a) provides $600,000 for grants to local jurisdictions to develop local wetlands protection and management programs. Section 302(20)(b) provides $600,000 to the Department of Ecology, contingent on a wetlands protection bill being enacted. The Legislature did not pass a wetlands protection bill, and if section 302(20)(b) remains, the funding will lapse.

In the absence of a comprehensive wetlands protection bill, this money is necessary for the Department of Ecology to more fully utilize existing authority to protect wetlands. I am vetoing this subsection and am directing the Department of Ecology to use these funds for the stricter implementation and enforcement of current statutes and to provide a portion of the aforementioned grants to local jurisdictions.

Section 302(25)

Section 302(25) limits the Department of Ecology's June 1991 FTE level to not more than 154 above the agency's June 30, 1990, FTE level. This limitation on FTE growth unnecessarily limits the agency's ability to perform its required duties. The restriction on FTEs may not be sufficient to meet the Department of Ecology's growth assumed in the Supplemental Budget or those assumed in bills passed by the 1990 Legislature. In vetoing this section, I am directing the Department of Ecology to identify savings as a result of vacancies in Fiscal Year 1991 and directing that those savings remain unexpended.

Section 306(17)

Subsection 17 directs the Department of Community Development to implement a self-employment loan program as described in subsection 84 of Engrossed House Bill 2929. Encouraging self-employment as an option for dislocated and low-income individuals is a worthwhile idea. However, the Public Facilities Construction Loan Revolving Fund is an inappropriate funding

source. These funds are legislatively dedicated for use by the Community Economic Revitalization Board. The fund is intended to be a renewable resource, originally capitalized through General Obligation Bonds, for economic development that requires expansion to local infrastructure. The Public Facilities Construction Loan Revolving Fund is needed for one-time projects in which there is critical need, and should not be used for programs that are clearly ongoing and operating in nature. The proposed self-employment loan program would be ongoing and would require support from the General Fund-State for continued operation in the next biennium.

Section 306(18)

Subsection 18 creates an industrial competitiveness program in the Department of Trade and Economic Development, as described in subsection 75 of Engrossed House Bill 2929. It is important to encourage the growth of value-added manufacturing in the state and to encourage smaller firms to work together to increase their competitiveness. However, again the Public Facilities Construction Loan Revolving Fund is an inappropriate funding source. These funds are legislatively dedicated for use by the Community Economic Revitalization Board. The fund is intended to be a renewable resource, originally capitalized through General Obligation Bond sales, for economic development that requires expansion to local infrastructure. The Public Facilities Construction Loan Revolving Fund is needed for one-time projects in which there is critical need, and should not be used for programs that are clearly ongoing and operating in nature. The industrial competitiveness program would be ongoing and would require support from the General Fund-State for continued operation in the next biennium. I am directing the Department of Trade and Economic Development to use existing general fund monies to provide assistance to facilitate efforts by small businesses to develop cooperative networks in order to increase their competitiveness.

Section 306(19)

Subsection 19 directs the Department of Community Development to provide grants for technical assistance for community-based organizations as described in subsection 83 of Engrossed House Bill 2929. Efforts to increase the capacity of community-based organizations in low-income communities are valuable and worthwhile. However, the provisions contained in this section are overly prescriptive and have the potential to reduce the effectiveness of the existing successful Local Development Matching Fund program. Once again, the Public Facilities Construction Loan Revolving Fund is an inappropriate funding source. These funds are legislatively dedicated for use by the Community Economic Revitalization Board. The fund is intended to be a renewable resource, originally capitalized through General Obligation Bonds, for economic development that requires expansion to local infrastructure. The Public Facilities Construction Loan Revolving Fund is needed for one-time projects in which there is critical need, and should not be used for programs that are clearly ongoing and operating in nature. I am directing the Department of Community Development to explore opportunities to provide training and technical assistance to community-based organizations serving low-income rural and urban areas.

Section 306(26)

Subsection 26 provides for a review of state-supported advanced-technology and technology-transfer economic development activities. While I applaud the

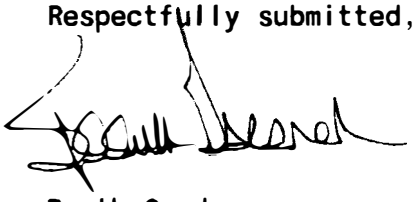
Legislature for examining these important issues, the language contained in section 76 of Engrossed House Bill 2929 is overly prescriptive given the size of the appropriation to support the review. I am directing the Department of Trade and Economic Development to utilize the available funds to evaluate existing state-supported applied research and technology transfer activities in the state. I am also directing the Department of Trade and Economic Development to conduct an initial examination of opportunities for collaboration between higher education, industry and the state as a way to increase the economic competitiveness of the state.

Section 705

This section forgives loans made to the cities of Federal Way and Sea-Tac that were supported by an Emergency Fund allocation to the Department of Community Development for that purpose. In modifying the Executive's decision in the matter of the allocation to the Department of Community Development in this way, the Legislature makes an unacceptable encroachment into gubernatorial authority and responsibility for the Governor's Emergency Fund.

With the exceptions of sections 116(7), 120(5), 206(1)(a)(iv), 207(1)(g), 208(14), 218(7), 221(8), 225(25), 225(27), 229(2)(c), 229(3)(b), 302(20), 302(25), 306(17), 306(18), 306(19), 306(26) and 705, Substitute Senate Bill No. 6407 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 30, 1990

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3, 13 and 33, Senate Bill No. 6408 entitled:

"AN ACT Relating to transportation appropriations."

Section 3 replaces $750,000 of State Patrol Highway Account funds with an equal amount of Public Safety Education Account (PSEA) funds for the Safety Education program. Additionally, it appropriates $250,000 of PSEA funds to enhance the Safety Education program. The Public Safety Education Account, already in precarious financial condition, has many beneficiaries, including the Crime Victims Compensation program. With the lifting of the crime victim's medical cap, the future demands on this fund may exceed estimated revenues. The operating budget conference committee should appropriate $250,000 of State Patrol Highway Account funds to enhance the Safety Education Program, including the Bicycle Awareness program.

Section 13 appropriates state general funds and transportation funds to the newly created Air Transportation Commission. While I can support the purpose and need for creating a statewide Air Transportation Commission, I question the use of state general funds because the mission of this commission, as described in this legislation, does not include the broader perspective necessary to justify the use of general funds. Therefore, I will ask the House and Senate fiscal committee chairs to provide start-up and study funding for the Commission out of transportation funds.

To the Honorable, the Senate
of the State of Washington
March 30, 1990
Page 2

Section 33 appropriates $3,000,000 General Fund - State to the Department of Ecology (DOE) for distribution to local air pollution control authorities for activities relating to transportation-caused air pollution.

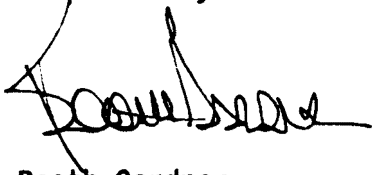
I question whether the activities described in this section should be paid from the state general fund or more appropriately paid out of transportation funds, as the focus of the program addresses "transportation-caused air pollution."

An issue as important as air quality should not be approached in a piecemeal fashion. DOE is currently developing a comprehensive program and budget request to address air pollution as a priority in the 1991 legislative agenda. Vehicle emissions monitoring and compliance is but one component of a comprehensive air quality program. This program will be developed using the Department's Environment 2010 report which is due this June.

It is appropriate that the issue of additional funding for local air pollution control authorities be addressed next session in the context of an overall comprehensive plan, and for these reasons, I have vetoed this section.

With the exception of sections 3, 13, and 33, Senate Bill No. 6408 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 30, 1990

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 315, Engrossed Substitute Senate Bill No. 6417 entitled:

"AN ACT Relating to the capital budget."

This section provides $500,000 from the State Wildlife Fund for a continued feasibility study and design work for a steelhead and rainbow trout hatchery at Grandy Creek. Funds available to the State Wildlife Fund are extremely limited. Revenues may not be sufficient to cover projected expenditures next biennium. Additionally, initial studies by the Department of Wildlife have shown that the amount of water available at Grandy Creek is marginal to support a hatchery. Moreover, this project is being developed outside the normal Capital budget process, without a thorough review by the Department of Wildlife or the Office of Financial Management. The Department of Wildlife has not had the opportunity to rank this project in terms of its other capital needs. Given these factors, approval of the appropriation is not prudent. While I am opposing the project at this time, I am willing to work with the Department of Wildlife, the Legislature, and interested groups in pursuing the feasibility of a steelhead facility on the Skagit River.

For the reasons stated above, I have vetoed section 315 of Engrossed Substitute Senate Bill No. 6417.

With the exception of section 315, Engrossed Substitute Senate Bill No. 6417 is approved.

Respectfully submitted,

Booth Gardner
Governor

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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 27, 1990

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 6533 entitled:

"AN ACT Relating to school suspension."

The bill restates existing statutory authority permitting a school district to reduce the length of a student's suspension upon condition that the student begin counseling or other treatment. The bill also specifically releases the district from any financial responsibility for such counseling or treatment.

School districts have not been found to be financially obligated for these expenses.

School districts sponsor many programs of voluntary participation by students contingent upon some financial or other student commitment. The bill's release of districts from financial obligation in the instance of counseling or treatment related to the length of a suspension raises an inference that the districts may be financially obligated in other instances where *not* specifically released.

In order to avoid unintended consequences from a well-intended bill, I have vetoed Senate Bill No. 6533 in its entirety.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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98504-0413

BOOTH GARDNER
GOVERNOR

March 26, 1990

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 9, Senate Bill No. 6574 entitled:

"AN ACT Relating to the Washington state housing finance commission."

The bill allows the Housing Finance Commission to issue bonds to finance nursing home construction and renovation. The bill expands the purposes of bonding authority to include financing of capital facilities owned and operated by non-profit corporations. The bill also is intended to give, with limited exceptions, the Housing Finance Commission exclusive authority to issue bonds for these purposes.

Section 2(6) of the bill recognizes and preserves existing statutory authority for local housing authorities to establish non-profit corporations for the purpose of issuing bonds for the construction of low-income housing. While the remainder of the bill expands the purposes of bonding authority, section 9, unlike section 2(6), fails to preserve existing local housing finance programs by failing to except them from the purposes for which the Housing Finance Commission is established as the "sole issuer of revenue bonds."

Neither the bill nor its legislative history provides information to reconcile the apparent conflict between section 2(6) and section 9.

In order to preserve the financing programs of local housing programs and to correct any inconsistency between section 2(6) and section 9, I have vetoed section 9 of this bill.

With the exception of section 9, Senate Bill No. 6574 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 28, 1990

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 48, 55, 76, and 87, Substitute Senate Bill No.6663 entitled:

"AN ACT Relating to Special License Plates and technical revisions to the department of licensing statutes."

Section 55 duplicates an amendment in Senate Bill No. 6190 and section 76 duplicates an amendment in Senate Bill No. 6358. To avoid these duplications, I have vetoed these two sections.

Section 48 allows those who refuse the alcohol breath test to obtain an occupational driver's license. An occupational driver's license is granted to a person who provides proof of requiring driving privileges for employment reasons. Section 87 requires recision of the revocation, for failure to take the breath test, of a person's driving privilege if that person is found not guilty of the underlying offense and the person's impaired driving was caused by a medical condition. These two sections serve to erode the implied consent law. That law is the state's most effective tool to combat drunken driving.

Nearly 800 people die on Washington's roadways each year. Nearly half of those deaths are alcohol related. I have indicated a strong commitment to a policy of no tolerance and strict deterrence. I remain convinced that the public message of no tolerance for drunken driving, with swift and sure consequences, is an effective deterrent.

To the Honorable, the Senate
of the State of Washington
March 28, 1990
Page 2

Although the Legislature declined to take the issue of drivers' license revocation out of the criminal process, now is not the time to erode tough sanctions against drunken drivers. Instead, I challenge the Legislature to join me in the endeavor to save lives in the upcoming years and improve safety on Washington roads by promoting tougher laws against drunken drivers.

For these reasons, I have vetoed sections 48, 55, 76, and 87 of Substitute Senate Bill No. 6663.

With the exception of sections 48, 55, 76, and 87, Substitute Senate Bill No. 6663 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 28, 1990

To the Honorable, The Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Substitute Senate Bill No. 6664 entitled:

"AN ACT Relating to the business license center act."

Section 4 repeals the provisions which established the Business License Center and added licenses to the Master License System. Although technically these provisions are no longer applicable since the time frames and requirements have been met, they provide useful historical information regarding the program. It is normal practice to retain such historical information in statute to minimize confusion regarding programs. I have, therefore, vetoed section 4 of this bill.

With the exception of section 4, Substitute Senate Bill No. 6664 is approved.

Respectfully submitted,

Booth Gardner
Governor

STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 21, 1990

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

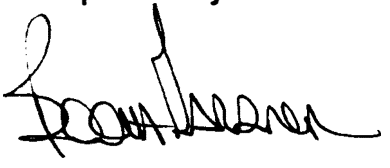
I am returning herewith, without my approval as to section 1, Substitute Senate Bill No. 6698, entitled:

"AN ACT Relating to limitations on the use of solid fuel burning devices."

Section 1 of this bill makes reference to Engrossed Substitute House Bill No. 2277, which would have set up a joint select task force on clean air. Engrossed Substitute House Bill No. 2277 did not pass the Legislature. Section 1 of Substitute Senate Bill No. 6698 charges the task force with reviewing implementation of this bill. Since the task force does not exist, I have vetoed section 1.

With the exception of section 1, Substitute Senate Bill No. 6698 is approved.

Respectfully submitted,



Booth Gardner
Governor

STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 27, 1990

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Substitute Senate Bill No. 6729 as amended by the House entitled:

"AN ACT Relating to DNA Identification."

This bill specifically authorizes and directs the Washington State Patrol to adopt rules for RCW 43.43.752 through RCW 43.43.758, the statutes establishing the DNA Identification Program.

Section 4 of the bill does not specifically address the DNA Identification Program, but rather the general role and authority of the Department of Corrections and county jail administrators to conduct blood sampling. As constructed, section 4 would not be codified within the statutes for which the bill establishes rule-making authority. As a result, the rule-making authority established by the bill will not be effective to implement section 4.

I believe section 3 of the bill provides sufficient authority to implement the regulations necessary to carry out the intent of this bill.

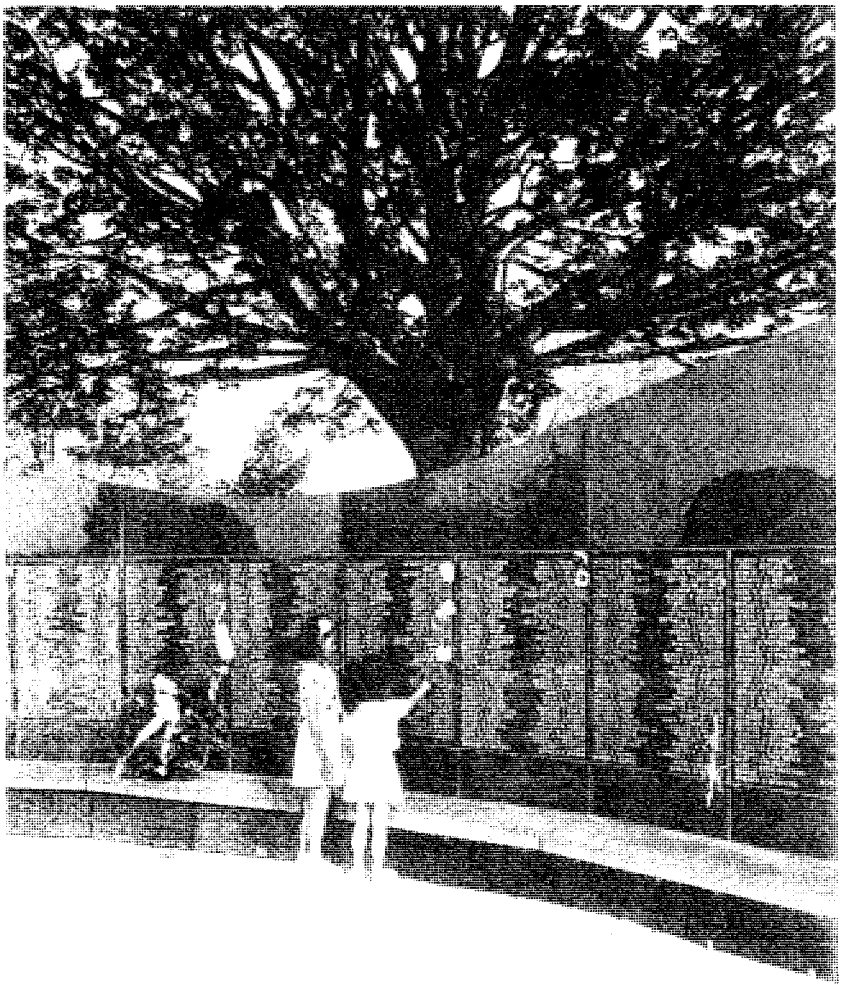
For these reasons, I have vetoed section 4 of the bill.

With the exception of section 4, Substitute Senate Bill No. 6729 is approved.

Respectfully submitted,

Booth Gardner
Governor.

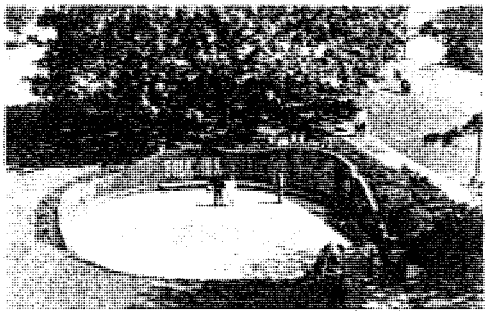
Section III
Indexes & Appendices



Vietnam Memorial

The Vietnam Veterans' Memorial was built on the Capitol grounds facing west, toward Vietnam. The wall of sixteen curved granite panels, ranging from one to seven feet in height, is interrupted by a jagged break in the shape of Vietnam. The memorial bears the names of 1,073 Washington citizens who lost their lives or were missing in action while serving in Southeast Asia during the Vietnam conflict.

The names of those honored in the memorial are etched on the wall in chronological order, beginning in 1963 with Richard W. Geyer, continuing to 1975 with Daniel A. Bennedette. The wall was dedicated in a formal ceremony on May 25, 1987.



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PV - Partial Veto; E1 - First Special Session; $ - Appropriation; f - Fiscal Note

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PV – Partial Veto; E1 – First Special Session; $ – Appropriation; f – Fiscal Note

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SSB 6221	f	High school assessment prgrm	101
SB 6224		Basic ed moneys witholding	103
SB 6253	f	Private property/taking	Vetoed
SSB 6255		Bus drivers assault/penalty	236
2SSB 6259	$f	Criminal offender provisions	3 PV
SB 6267	f	Occupational therapy regultn	13
SSB 6289		Director of agric/admin div	37
SSB 6290	f	Telecommunications devices	89
SB 6292	f	Mosquito control responsibil	300 PV
SB 6303		Pedestrian safety	241
SB 6304		Sick leave records	162
SSB 6305	f	Tuition exemptions	154
SSB 6306		Community college tenure	268 PV
2SSB 6310		Fishery enhncmnt group funds	58
SSB 6326	$	Puget Sound water qlty prgrm	289
SB 6327	f	WSP/civil service exemptions	14
SSB 6330		Consumer protection	199
SB 6335		Negligent oprtn/cmmcl vhcle	31
SB 6344	f	Regional support networks	8 E1
SSB 6348		Nonpneumatic spare tires	105
SB 6354		Apple grades/hearings	19
SSB 6358		Transportation tax rates	42
SB 6370		City name changes	193
SSB 6377	f	Fisheries violatns penalties	144
SB 6388		Insurance cancellation	121
SSB 6389		Business corporation act	178
SSB 6390	f	Marital deduct/domestic trst	179
SB 6391	f	Revenue code corrections	224
SB 6392		Wills/requisites	79
SSB 6393	f	Retirement benefits/executn	237
SB 6394	f	Escheat prop/small estate	225
SSB 6395	f	Inheritance tax references	180
SB 6396		Deed of trust act	111
SB 6399		Support enforcement/employer	165 PV
SSB 6407	$	Supplmntl operating budget	16 PV E1
SB 6408	$	Suplmntl transportatn budget	298 PV
SB 6411		Employment training program	272
SSB 6412	$f	Wildlife cnsrvtn land acquis	14 E1
SSB 6417	$	Supp capital budget	299 PV
2SSB 6418	f	Rural health care	271
SSB 6426		SR 901 scenic highway	240
SSB 6446		Public water systems	132
SSB 6447	f	Failing public water systems	133
SB 6451	f	Cigarette tax modified	216
SSB 6452		School dist leave sharing	23
SSB 6453	$f	Ag lenders/examination	134
SSB 6463		Services and activities fees	7
SB 6464	f	Law enforcmt/driver licnse	56
SSB 6467		Second degree arson/murder	200

PV – Partial Veto; E1 – First Special Session; $ – Appropriation; f – Fiscal Note

Bill No.		Title	Chapter No.
		SENATE BILLS—cont.	
SB 6470	f	Construction liens	81
SSB 6473	f	Correctionl industries sales	22
SSB 6474		Public corporations	189
SSB 6493	f	Adoption/confdntl intrmdries	145
SSB 6494	f	Adoption provisions	146
SSB 6499		Dispute resolution centers	172
SB 6510	f	Telecommunications/rgstratn	10
SB 6514	f	L&I/attorneys fees before	15
SB 6520	f	Nonionizing radiation	173
SB 6528		Vessel pilots' licenses	112
SSB 6531		Port dist road improvemnts	5
SB 6533		School suspension	Vetoed
SB 6535	f	Private activity bonds	50
2SSB 6537	$f	Foster care reform	284
SB 6549		PUD employee compensation	16
SB 6558	f	Driving exam waiver	9
SB 6559		Winter recreational facil	136
SSB 6560	$f	Odometer disclosure	238
SB 6562	f	Superior court positions	186
SB 6564		Cmmrcl fishers fund pooling	130
SB 6571	f	Interpreters/legal proceedng	183
SSB 6572	f	Telecommunications fraud	11
SSB 6573		Energy facility council	12
SB 6574	f	Housing finance commission	167 PV
SSB 6575	f	Nuclear operations liability	82
SB 6576		Wild mushroom harvesting	20
SB 6577	f	Recycling markets committee	127
SB 6583		Air polltn control authorit	157
SB 6588		Live performance/moral nsnce	152
SSB 6589		Title insurers	76
SSB 6594	$f	Retirement sys department	8
SSB 6600		Retirement contribution rate	18
SB 6606		MV window tinting	95
SSB 6608		Traffic violations enforcmnt	210
2SSB 6610	$f	At-risk youth	276
SSB 6624		Family independence program	6 E1
SSB 6626		Placebound students assmnt	288
SSB 6639		Conservatn area acquisition	5 E1
SB 6640	f	Tourism strategies/hotel tax	17
SSB 6642		Washington marketplace prgrm	57
SSB 6649		Adopt-a-highway signs	258
SB 6652	f	Cigarette tax penalties	267
SSB 6663	$f	Special license plates	250 PV
SSB 6664	f	Business license center	264 PV
SSB 6668	f	Crime victims' compensation	73
SB 6673	f	State-owned vehicles	75
SSB 6681		School property leases	96
SSB 6697		Longview bridge study	87
SSB 6698	f	Solid fuel burn/device fee	128 PV
SSB 6700		Recycling/trucking regs	123
SSB 6701		Maritime commission	117

Bill No.		Title	Chapter No.
		SENATE BILLS—cont.	
SSB 6726	$f	Firearm range facilities	195
SB 6727	f	State-owned shellfish sales	163
SSB 6729		DNA identification	230 PV
2SSB 6731	f	Absentee ballots/abstracts	262
SB 6741	f	Shoreline developmnt permits	201
SSB 6764	$	Community support programs	290
SSB 6771	$f	Electric transmission lines	138
SSB 6776		Condominium act revisions	166
SB 6777		SR 706/Road to Paradise	97
2SSB 6780	f	Farmworker housing inspectn	253
SB 6802		Util rate/low-income disabld	164
SB 6816	f	Milk pumping tax exemption	185
SB 6822	f	B&O tax/small timber harvstr	141
SSB 6827	$f	State-wide 911 service	260
2SSB 6832	$f	Juvenile rehab system study	292
SB 6834	f	Small bsns basic health plan	187
SB 6839	$f	Kettle River protection	277
SSB 6859		Computer software/tax status	255
SB 6862		Wash hardwoods commission	142
SB 6866	f	Grass seed research fees	113
SSB 6868	f	Guardianship/incapacitated	122
SSB 6880	f	Business/residental locatns	256
SB 6897		DOT headquarters facility	293
SB 6906		C 3 L 90 adjustments	12 E1

Chapter No.		Title	Bill No.
1		Grays Harbor dredging	SHB 2361
2	f	Energy efficiency/conservatn	SHB 2198
3 PV	$f	Criminal offender provisions	2SSB 6259
4	f	Task force on ports report	SB 6200
5		Port dist road improvemnts	SSB 6531
6	f	Radiologic techs/sunset	SB 6210
7		Services and activities fees	SSB 6463
8	$f	Retirement sys department	SSB 6594
9	f	Driving exam waiver	SB 6558
10	f	Telecommunications/rgstratn	SB 6510
11	f	Telecommunications fraud	SSB 6572
12		Energy facility council	SSB 6573
13	f	Occupational therapy regultn	SB 6267
14	f	WSP/civil service exemptions	SB 6327
15	f	L&I/attorneys fees before	SB 6514
16		PUD employee compensation	SB 6549
17	f	Tourism strategies/hotel tax	SB 6640
18		Retirement contribution rate	SSB 6600
19		Apple grades/hearings	SB 6354
20		Wild mushroom harvesting	SB 6576
21	f	Low-level radioactive waste	SHB 2956
22	f	Correctionl industries sales	SSB 6473
23		School dist leave sharing	SSB 6452
24		Disabled/parking permits	HB 2842
25	f	Hospice benefits extension	HB 2410
26		Self ins pools/local govt	SHB 2933
27		RR track scales testing	SSB 5554
28		Vehicle lgth/federal law	SB 5593
29	f	Commnty cllge faculty awards	2SSB 6216
30		Subsistence/travel expense	HB 1703
31		Negligent oprtn/cmmcl vhcle	SB 6335
32	f	Senior centers/park district	HB 2032
33		Schl provsns reorgnz/RCW 28A	HB 2276
34	f	Fishing/family days	HB 2292
35	f	Fishing/group permits	SHB 2293
36		Salmon test fishing/sales	HB 2294
37		Director of agric/admin div	SSB 6289
38		Irrigation dist directors	HB 1881
39		Irrigation district bidding	SHB 1394
40	f	Port district vacancies	HB 1571
41	f	Bailee's services	HB 2262
42		Transportation tax rates	SSB 6358
43 PV	f	Transportation/high capacity	SHB 1825
44		MV brokering/subleasing	SSB 6167
45		Fire protection/state bldgs	HB 1055
46	f	Contractor advertising	HB 1523
47	f	Land lease/state	HB 2310
48	f	Regulatory fees/payment	HB 2527
49	f	Winter recreatn/state parks	HB 2705
50	f	Private activity bonds	SB 6535
51	f	Life ins guaranty associatn	HB 2901
52	f	Hospital commission/repeal	HB 2562

Chapter No.		Title	Bill No.
53	f	Economic dev finance authrty	HB 2850
54	f	Basic health plan records	SB 6180
55	f	Health studio services	SB 6201
56	f	Law enforcmt/driver licnse	SB 6464
57		Washington marketplace prgrm	SSB 6642
58		Fishery enhncmnt group funds	2SSB 6310
59 PV	f	Candidacy/ballots/voting	HB 2797
60	f	State employment provisions	HB 2567
61	f	Fishing/sea cucumber	HB 2291
62		Sea urchin endorsements	HB 2868
63	f	Fisheries/commercial	HB 2290
64	f	Pollution liability insurnce	SHB 2609
65	f	Environmental hearings office	SB 5712
66	f	Roadside litter/illegal dump	SHB 2513
67	f	Tax information/secrecy	HB 2343
68	f	State library employees	HB 2438
69	f	Tax/electronic transfr pymts	SHB 2344
70		Employment listing services	SHB 2457
71	f	Conservation corps reimburse	HB 2289
72		Women/apprenticeship statute	SSB 5300
73	f	Crime victims' compensation	SSB 6668
74		School districts/health ins	HB 2959
75	f	State-owned vehicles	SB 6673
76		Title insurers	SSB 6589
77	f	Excellence in ed prgm/expand	HB 2265
78		Puget Sound ferry account	HB 1957
79		Wills/requisites	SB 6392
80	f	Pension funds investment	HB 2503
81	f	Construction liens	SB 6470
82	f	Nuclear operations liability	SSB 6575
83	f	Board of pharmacy/continue	SHB 2524
84	f	Dept of wildlife statutes	SHB 2576
85	f	Real estate licensees dsclsr	SB 5487
86	$f	Disabled students task force	HB 2441
87		Longview bridge study	SSB 6697
88	f	Tuition waiver/state emplyee	SHB 1824
89	f	Telecommunications devices	SSB 6290
90		Teacher/abuse course requird	HB 2331
91 PV		Fisheries enhancemnt reports	HB 2942
92	f	Cemeteries/preservation	HB 2335
93	f	Capitol campus design cmtee	SSB 5935
94		Emergncy vehicle eqpmt sales	HB 2461
95		MV window tinting	SB 6606
96		School property leases	SSB 6681
97		SR 706/Road to Paradise	SB 6777
98	f	Collective bargaining sessns	SHB 2337
99	f	Local registrars	SHB 1264
100	f	DSHS revenue collection	SB 5169
101	f	High school assessment prgrm	SSB 6221
102	$f	Motor fuel quality	SHB 1450
103		Basic ed moneys witholding	SB 6224
104		Municipal research council	HB 2260

PV - Partial Veto; E1 - First Special Session; $ - Appropriation; f - Fiscal Note

Chapter No.		Title	Bill No.
105		Nonpneumatic spare tires	SSB 6348
106	f	Public funds investment acct	HB 2312
107		PUD sewer inspections	SHB 2708
108		State route 128/rerouting	HB 2753
109		Freight brokers registration	HB 2989
110	f	Steelhead trout production	2SSB 5845
111		Deed of trust act	SB 6396
112		Vessel pilots' licenses	SB 6528
113	f	Grass seed research fees	SB 6866
114	f	Hazardous substances/regs	SHB 2390
115	f	Puget Snd water quality auth	SHB 2482
116		Oil/hazardous substnce spill	2SHB 2494
117		Maritime commission	SSB 6701
118	f	Radio communications service	HB 2525
119		HMO's/solvency protection	SHB 3001
120		Health care cntrctrs/solvncy	SHB 3002
121		Insurance cancellation	SB 6388
122	f	Guardianship/incapacitated	SSB 6868
123		Recycling/trucking regs	SSB 6700
124		Agr eqpmt dealers/manufactrs	SHB 2296
125	f	Liquor importers/entertainmt	SHB 2858
126		Redistricting/provisions	HB 1890
127	f	Recycling markets committee	SB 6577
128 PV	f	Solid fuel burn/device fee	SSB 6698
129	$f	Public works appropriations	HB 2288
130		Cmmrcl fishers fund pooling	SB 6564
131	f	Leasehold tax exemptions	SB 5431
132		Public water systems	SSB 6446
133	f	Failing public water systems	SSB 6447
134	$f	Ag lenders/examination	SSB 6453
135	f	Community college/compensatn	SHB 2999
136		Winter recreational facil	SB 6559
137	f	Envirnmntl coord procedures	SB 6172
138	$f	Electric transmission lines	SSB 6771
139		Lobbyists/reporting	HB 2655
140		Juror summoning	HB 2306
141	f	B&O tax/small timber harvstr	SB 6822
142		Wash hardwoods commission	SB 6862
143	$f	Voter registration	SSB 6031
144	f	Fisheries violatns penalties	SSB 6377
145	f	Adoption/confdntl intrmdries	SSB 6493
146	f	Adoption provisions	SSB 6494
147 PV	f	Podiatric physicians/surgeon	SHB 2792
148	f	All kids can learn/grants	SHB 2375
149	f	Minimum wage/student	HB 2253
150	$	Child abuse victim testimony	SHB 2809
151	f	Alcohol/drug treatment laws	SHB 2385
152		Live performance/moral nsnce	SB 6588
153	f	DSHS employees reimbrsmnt	SB 6213
154	f	Tuition exemptions	SSB 6305
155		Minor/sexually explct condct	SHB 2752
156 PV	f	Community action network	HB 1491

Chapter No.		Title	Bill No.
157		Air polltn control authorit	SB 6583
158	$f	Waste management ed study	2SSB 5996
159		Ed service district boards	SHB 2378
160	f	Limited medical licenses/UW	HB 2469
161	f	2d cl sch dists/at–large dir	SSB 5013
162		Sick leave records	SB 6304
163	f	State–owned shellfish sales	SB 6727
164		Util rate/low–income disabld	SB 6802
165 PV		Support enforcement/employer	SB 6399
166		Condominium act revisions	SSB 6776
167 PV	f	Housing finance commission	SB 6574
168		Low income housing valuation	3SSB 5550
169		Mobile home landlords	HB 2272
170	f	Telephone assistance program	HB 2546
171	$f	Mobile home relocation	SHB 2907
172		Dispute resolution centers	SSB 6499
173	f	Nonionizing radiation	SB 6520
174		Mobile parks/rentl agreemnt	HB 2445
175		Immigrant family relatnships	SHB 1565
176 PV	f	Manufactured housing regs	SHB 2861
177 PV	f	Fire sprinkler contractors	SHB 2342
178		Business corporation act	SSB 6389
179	f	Marital deduct/domestic trst	SSB 6390
180	f	Inheritance tax references	SSB 6395
181	$	Low incme housng/conv centr	HB 2988
182		Pro tempore judges	HB 2492
183	f	Interpreters/legal proceedng	SB 6571
184	f	Voting machines/ballots	HB 2775
185	f	Milk pumping tax exemption	SB 6816
186	f	Superior court positions	SB 6562
187	f	Small bsns basic health plan	SB 6834
188		Vocational ed/state board	SSB 5545
189		Public corporations	SSB 6474
190		Collection agencies	SHB 2801
191		Court commissioners	HB 2808
192	f	PERS benefits/portability	HB 1323
193		City name changes	SB 6370
194		Irrigatn dists/land subdvsn	HB 2473
195	$f	Firearm range facilities	SSB 6726
196	f	Physician assistants	SHB 2917
197	f	Animal remedy act/repeal	HB 2555
198		Permit fees/temporary	HB 2386
199		Consumer protection	SSB 6330
200		Second degree arson/murder	SSB 6467
201	f	Shoreline developmnt permits	SB 6741
202	f	Food transportation	SB 6164
203		Escrow agents deposits	SSB 5340
204	f	Higher ed/ind ins programs	HB 2362
205		Indebtedness/allocating	SHB 2476
206	f	GA dept/transportn managment	HB 2802
207		AIDS nursing homes	HB 2395
208 PV	$f	Video telecommunications	SHB 2403

PV – Partial Veto; E1 – First Special Session; $ – Appropriation; f – Fiscal Note

Chapter No.		Title	Bill No.
209		Industrial ins self–insurer	HB 2485
210		Traffic violations enforcmnt	SSB 6608
211		Credit agreements regulation	2SHB 1653
212	f	Employee pension plans	SHB 3007
213	$f	Contaminated proprty cleanup	SHB 2906
214	f	Enhanced food fish tax	HB 2345
215		Municipal airports/lessees	HB 2855
216	f	Cigarette tax modified	SB 6451
217		Truck overloader/codefendant	HB 2716
218	f	Generic drug substitutions	SB 6192
219	f	Prescriptns filled/other sts	SSB 5594
220	f	Bond information revised	HB 2373
221		Telefacsimile messages/regs	HB 2299
222 PV	f	Health care authority	HB 2411
223	f	Geologists review board	SHB 1597
224	f	Revenue code corrections	SB 6391
225	f	Escheat prop/small estate	SB 6394
226		Animal training	SSB 6195
227		Replevin provisions	HB 2561
228		Uniform commercial code	HB 2633
229	f	Econ/rev forecast council	SSB 5206
230 PV		DNA identification	SSB 6729
231	f	Jet ski safety	SHB 2421
232	f	Vehicle registration records	SHB 2463
233		State highway designation	HB 1724
234	f	Taxing district levy rates	HB 2330
235	f	Law enforcemnt vessels/elude	HB 2429
236		Bus drivers assault/penalty	SSB 6255
237	f	Retirement benefits/executn	SSB 6393
238	$f	Odometer disclosure	SSB 6560
239		Motor vehicle warranties	SHB 2430
240		SR 901 scenic highway	SSB 6426
241		Pedestrian safety	SB 6303
242	f	Convention/trade facilities	HB 2475
243	f	Pacific Rim languages eductn	SSB 5450
244	f	Controlled subst/penalties	SHB 2336
245		Employr contrib/unemply comp	SHB 2426
246	f	Dependency proceedings	2SHB 2122
247 PV	f	Telecommunication companies	HB 2526
248		Drug vehicle forfeiture	HB 2542
249		Survivorship option/retirmnt	SHB 2643
250 PV	$f	Special license plates	SSB 6663
251		PUD job value limits	SHB 2584
252		County legislative authority	HB 2859
253	f	Farmworker housing inspectn	2SSB 6780
254		Port district debt funding	SHB 2726
255		Computer software/tax status	SSB 6859
256	f	Business/residental locatns	SSB 6880
257 PV		District court judges	SHB 2709
258		Adopt–a–highway signs	SSB 6649
259		Elections/local government	SHB 2935
260	$f	State–wide 911 service	SSB 6827

Chapter No.			Title	Bill No.
261		f	Horticulturl plnts/facilites	HB 2832
262		f	Absentee ballots/abstracts	2SSB 6731
263			Execution dates	HB 2714
264	PV	f	Business license center	SSB 6664
265			DOT/emergency contracts	HB 2882
266			County road admin board	HB 2840
267		f	Cigarette tax penalties	SB 6652
268	PV		Community college tenure	SSB 6306
269		f	Wash st trauma care systm	SSB 6191
270	PV	$f	Head injury prevention	SSB 6190
271		f	Rural health care	2SSB 6418
272			Employment training program	SB 6411
273			Boundary review boards	SB 6189
274		$	Retirement systems provisns	SHB 2644
275	PV	f	Alcohol/contrld substn abuse	2SHB 2986
276		$f	At-risk youth	2SSB 6610
277		$f	Kettle River protection	SB 6839
278	PV	$f	Defense-dependent industries	SHB 2706
279			Solid waste systems/contract	SHB 2854
280		$f	Cancer reporting network	2SHB 2077
281		$f	Hanford land transfer	2SSB 5993
282	PV		Magnuson biomedicl institute	2SHB 2443
283		f	Personal property assessment	HB 1307
284		$f	Foster care reform	2SSB 6537
285	PV	$f	Adoption support services	HB 2602
286		$f	Math achievement program	HB 2413
287	PV	$f	American Indian scholarship	SHB 2831
288			Placebound students assmnt	SSB 6626
289		$	Puget Sound water qlty prgrm	SSB 6326
290		$	Community support programs	SSB 6764
291	PV		Reckless driving penalties	2SSB 5882
292		$f	Juvenile rehab system study	2SSB 6832
293			DOT headquarters facility	SB 6897
294		f	Fire prot district charges	SSB 6182
295		f	Water resource planning	SHB 2932
296	PV	f	Medical care/children	SHB 2603
297		f	Sunset review provisions	SHB 2327
298	PV	$	Suplmntl transportatn budget	SB 6408
299	PV	$	Supp capital budget	SSB 6417
300	PV	f	Mosquito control responsibil	SB 6292
301	PV	$	Energy information/sch use	2SSB 5835
302	PV	f	Correctional instit/populatn	HB 2939

FIRST SPECIAL SESSION

1	E1	f	Low-income enrgy/jt sel cmte	HB 2667
2	PV E1	f	Child support schedule	HB 2888
3	E1	f	Multiple insurance statutes	SHB 2416
4	E1		Studnt transp sfty task frce	HB 2694
5	E1		Conservatn area acquisition	SSB 6639
6	E1		Family independence program	SSB 6624
7	E1	$	Budget stabilization account	SB 6091

PV - Partial Veto; E1 - First Special Session; $ - Appropriation; f - Fiscal Note

Chapter No.			Title	Bill No.
			FIRST SPECIAL SESSION—cont.	
8	E1	f	Regional support networks	SB 6344
9	PV E1	f	Student enrollment options	2SHB 2379
10	PV E1		Excellence awd/teacher prep	SB 5371
11	E1		School emplyees/benefit plan	SHB 2230
12	E1		C 3 L 90 adjustments	SB 6906
13	E1	$	Jail facilities/Yakima Cnty	SHB 3035
14	E1	$f	Wildlife cnsrvtn land acquis	SSB 6412
15	E1		Capital facilities bonds	SHB 2964
16	PV E1	$	Supplmntl operating budget	SSB 6407
17	PV E1	f	Growth planning provisions	SHB 2929

Gubernatorial Appointments Confirmed

Executive Agencies

Military Department
Gregory P. Barlow, Adjutant General

Pollution Liability Reinsurance Program
James M. Sims, Administrator

Members of Boards, Councils and Commissions

University of Washington
Mari J. Clack
David L. Cohn
Andrew V. Smith

The Evergreen State College
Lila Girvin
Constance W. Rice

Central Washington University
Ronald Dotzauer
Graham Tollefson

Western Washington University
Craig W. Cole

State School for the Blind
Robert J. Anderson
Joseph Fram
Jeanne A. Pelkey

State Board for Community College Education
H. A. "Barney" Goltz
Joan Yoshitomi

Higher Education Coordinating Board
Andrew S. Hess
M. Lyle Jacobson
Mary C. James

Higher Education Facilities Authority
Robert K. Powers

Higher Education Personnel Board
Grace Y. Chien

Centralia Community College District No. 12
Arland D. Lyons

Clark Community College District No. 14
Georgia-Mae Gallivan
George H. Schweitzer

Columbia Basin Community College District No. 19
Dr. Erik Pearson

Everett Community College District No. 5
Robert J. Bavasi
Virginia Sprenkle

Green River Community College District No. 10
Ronald C. Claudon
Virginia E. Cross

Highline Community College District No. 9
Marilu Brock
Gerald S. Robinson

Lower Columbia Community College District No. 13
Bruce L. Cardwell
Asa T. Reed

Peninsula Community College District No. 1
Marietta Kilmer

Seattle Community College District No. 6
Carver Gayton

Shoreline Community College District No. 7
Cherry McGee Banks

South Puget Sound Community College District No. 24
Harold T. "Hal" Wolfe

Tacoma Community College District No. 22
Dennis G. Seinfeld

Walla Walla Community College District No. 20
Patrick F. Donohue
Don Schwerin

Wenatchee Valley Community College District No. 15
Grace L. Lynch

Sentencing Guidelines Commission
Arthur D. Curtis
Ruta E. Fanning
Marcus M. Kelly

State Investment Board
James F. Ryan

Commission on Judicial Conduct
Ruth V. Coffin
Nancyhelen Fischer
K. Collins Sprague, Alternate Member

Marine Employees' Commission
Dan E. Boyd
Donald E. Kokjer

Public Disclosure Commission
Douglas L. True

Transportation Commission
Bernice Stern

Utilities and Transportation Commission
Richard D. Casad

❖ 1990 Regular Session of the Fifty-First Legislature ❖

House of Representatives

Democratic Leadership

Joseph E. King ..... Speaker
John L. O'Brien ..... Speaker Pro Tempore
Brian Ebersole ..... Majority Leader
Lorraine A. Hine ..... Democratic Caucus Chair
Mike Heavey ..... Assistant Majority Leader
Jim Jesernig ..... Majority Whip
Grace Cole ..... Assistant Majority Whip
Randy Dorn ..... Assistant Majority Whip
Karen Fraser ..... Assistant Majority Whip
Holly Myers ..... Assistant Majority Whip
Calvin Anderson ..... Democratic Caucus V. Chair/Secretary

Republican Leadership

Clyde Ballard ..... Minority Leader
Eugene Prince ..... Republican Caucus Chair
Jean Marie Brough ..... Minority Floor Leader
Louise Miller ..... Minority Whip
Fred O. May ..... Assistant Minority Floor Leader
Steve Fuhrman ..... Assistant Minority Floor Leader
Shirley Hankins ..... Republican Organization Leader
Sally Walker ..... Republican Caucus Vice Chair
Dick Schoon ..... Assistant Minority Whip
Duane Sommers ..... Assistant Minority Whip
Rose Bowman ..... Assistant Minority Whip
Bill Brumsickle ..... Asst. Republican Organization Leader

Alan Thompson ..... Chief Clerk
Dennis Karras ..... Deputy Chief Clerk
Ross Young ..... Sergeant at Arms

Senate

Officers

Joel Pritchard ..... President
Alan Bluechel ..... President Pro Tempore
Ellen Craswell ..... Vice President Pro Tempore
Gordon A. Golob ..... Secretary
W.D. "Nate" Naismith ..... Deputy Secretary
George W. LaPold ..... Sergeant at Arms

Caucus Officers

Republican Caucus

Jeannette Hayner ..... Majority Leader
George L. Sellar ..... Caucus Chair
Irv Newhouse ..... Majority Floor Leader
Ann Anderson ..... Majority Whip
Emilio Cantu ..... Deputy Majority Leader
Stanley C. Johnson ..... Caucus Vice Chair
Gary A. Nelson ..... Majority Asst. Floor Leader
Linda A. Smith ..... Majority Assistant Whip

Democratic Caucus

Larry L. Vognild ..... Democratic Leader
Frank J. Warnke ..... Caucus Chair
Albert Bauer ..... Democratic Floor Leader
R. Lorraine Wojahn ..... Caucus Vice Chair
Nita Rinehart ..... Democratic Assistant Floor Leader
Rick S. Bender ..... Democratic Whip
Patrick R. McMullen ..... Democratic Assistant Whip

Standing Committee Assignments

House Agriculture & Rural Development

Margaret Rayburn, Chair
Pete Kremen, Vice Chair
Forrest Baugher
Glyn Chandler*
Shirley Doty
Bill Grant
Jim Jesernig
Neal Kirby
Alex McLean
Darwin Nealey
Marilyn Rasmussen
Jim Youngsman

Senate Agriculture

Scott Barr, Chair
Ann Anderson, Vice Chair
Cliff Bailey
Marcus S. Gaspard
Frank "Tub" Hansen
Ken Madsen
Irv Newhouse

House Appropriations

Gary Locke, Chair
Bill Grant, Vice Chair
Helen Sommers, Vice Chair
Marlin J. Appelwick
Jennifer Belcher
Rose Bowman
Dennis Braddock
Joanne Brekke
Jean Marie Brough
Randy Dorn
Shirley L. Doty
Brian Ebersole
Roy A. Ferguson
Lorraine A. Hine
Bruce Holland
Jay R. Inslee
Fred O. May
Alex McLean
Darwin Nealey
Mike Padden
Kim Peery
Nancy S. Rust
Doug Sayan
Jean Silver
Harriet Spanel
Art Sprenkle
Georgette Valle
Art Wang
Jesse Wineberry
Jim Youngsman

see Senate Ways & Means

House Capital Facilities & Financing

Helen Sommers, Chair
Marilyn Rasmussen, V. Chair
John Beck
John W. Betrozoff
Rose Bowman
Dennis Braddock
Karen Fraser
Mike Heavey
Ken Jacobsen
Kim Peery
Shirley Rector
Dick Schoon
Art Wang
Shirley Winsley

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House Commerce & Labor

Max Vekich, Chair
Grace Cole, Vice Chair
Elmira Forner
Evan Jones
Richard King
June Leonard
John L. O'Brien
Margarita Prentice
Curt Smith
Sally Walker
Charles R. Wolfe

see Senate Economic Development & Labor

House Education

Kim Peery, Chair
Greg Fisher, Vice Chair
John W. Betrozoff
Bill Brumsickle
Grace Cole
Randy Dorn
Steve Fuhrman
Bruce Holland
Jim Horn
Evan Jones
Paul King
Larry Phillips
Wes Pruitt
Marilyn Rasmussen
Margaret Rayburn
Dick Schoon
Georgette Valle
Sally Walker
Karla Wilson

Senate Education

Cliff Bailey, Chair
Eleanor Lee, Vice Chair
Ann Anderson
Rick S. Bender
Max E. Benitz
Ellen Craswell
George Fleming
Marcus S. Gaspard
Jack Metcalf
Patty Murray
Nita Rinehart

House Energy & Utilities

Dick Nelson, Chair
Holly Myers, Vice Chair
Don Bennett
Peter T. Brooks
David Cooper
P.J. "Jim" Gallagher
Shirley Hankins
Ken Jacobsen
Jim Jesernig
Fred O. May
Ron Meyers
Louise Miller
Sim Wilson

Senate Energy & Utilities

Max E. Benitz, Chair
Alan Bluechel, Vice Chair
Jack Metcalf
Gary A. Nelson
Brad Owen
Michael E. Patrick
Lois J. Stratton
Dean Sutherland
Al Williams

House Environmental Affairs

Nancy Rust, Chair
Georgette Valle, Vice Chair
Joanne Brekke
Greg Fisher
Karen Fraser
Larry Phillips
Wes Pruitt
Dick Schoon
Duane Sommers
Art Sprenkle
Steve Van Luven
Sally Walker

Senate Environment & Natural Resources

Jack Metcalf, Chair
Neil Amondson, Vice Chair
Scott Barr
Max E. Benitz
Arlie U. DeJarnatt
Mike Kreidler
Brad Owen
E.G. "Pat" Patterson
Dean Sutherland

House Financial Institutions & Insurance

Dennis Dellwo, Chair
Paul Zellinsky, Vice Chair
Calvin Anderson
Forrest Baugher
John Beck
Glyn Chandler*
Ernest Crane
Bill Day
Randy Dorn
Jay R. Inslee
Paul King
Busse Nutley
Karen Schmidt
Karla Wilson
Shirley Winsley

Senate Financial Institutions & Insurance

Peter von Reichbauer, Chair
Stanley C. Johnson, V. Chair
George Fleming
Jim Matson
Bob McCaslin
Patrick McMullen
Ray Moore
A.L. "Slim" Rasmussen
George L. Sellar
Bill Smitherman
James E. West

House Fisheries & Wildlife

Richard King, Chair
Betty Sue Morris, Vice Chair
Bob Basich
Peter T. Brooks
Rose Bowman
Grace Cole
Mary Margaret Haugen
Curt Smith
Harriet Spanel
Max Vekich
Sim Wilson

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House Health Care

Dennis Braddock, Chair
Bill Day, Vice Chair
Peter T. Brooks
Maria Cantwell
Glyn Chandler*
Betty Sue Morris
Margarita Prentice
Duane Sommers
Art Sprenkle
Max Vekich
Charles R. Wolfe

Senate Health & Long-Term Care

James E. West, Chair
Linda A. Smith, Vice Chair
Neil Amondson
Stanley C. Johnson
Mike Kreidler
Janice Niemi
R. Lorraine Wojahn

House Higher Education

Ken Jacobsen, Chair
Harriet Spanel, Vice Chair
Bob Basich
Don Bennett
Shirley L. Doty
Karen Fraser
Mike Heavey
Jim Jesernig
Louise Miller
Eugene A. Prince
Shirley Rector
Jeannette Wood
Steve Van Luven

Senate Higher Education

Gerald L. "Jerry" Saling, Chair
E.G. "Pat" Patterson, V. Chair
Albert Bauer
Emilio Cantu
Bill Smitherman
Lois J. Stratton
Peter von Reichbauer

Standing Committee Assignments

House Housing

Busse Nutley, Chair
June Leonard, Vice Chair
Calvin Anderson
Clyde Ballard
Jay R. Inslee
Mike Padden
Shirley Rector
Mike Todd
Shirley Winsley

House Human Services

Doug Sayan, Chair
Pat Scott, Vice Chair
Calvin Anderson
Joanne Brekke
James E. Hargrove
June Leonard
John Moyer
Mike Padden
George L. Raiter
Randy Tate
Shirley Winsley

House Judiciary

Marlin Appelwick, Chair
Ernest Crane, Vice Chair
Jennifer Belcher
Jean Marie Brough
Dennis Dellwo
Elmira Forner
Jim Hargrove
Jay R. Inslee
Paul King
Gary Locke
Ron Meyers
John Moyer
Holly Myers
Mike Padden
Karen Schmidt
Pat Scott
Duane Sommers
Randy Tate
Jesse Wineberry

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Senate Children & Family Services

Linda A. Smith, Chair
Ellen Craswell, Vice Chair
Cliff Bailey
Lois J. Stratton
Larry L. Vognild

Senate Law & Justice

Gary A. Nelson, Chair
Bob McCaslin, Vice Chair
Jeannette Hayner
Ken Madsen
Irv Newhouse
Janice Niemi
Michael E. Patrick
A.L. "Slim" Rasmussen
Nita Rinehart
Phil Talmadge
Leo K. Thorsness

Subcommittee on Corrections

Leo K. Thorsness, Chair
Bob McCaslin
Janice Niemi
Michael E. Patrick
Phil Talmadge

House Local Government

Mary Margaret Haugen, Chair
David Cooper, Vice Chair
Roy Ferguson
Jim Horn
Neal Kirby
Darwin Nealey
Dick Nelson
Busse Nutley
Larry Phillips
George L. Raiter
Margaret Rayburn
Charles R. Wolfe
Jeannette Wood
Paul Zellinsky

House Natural Resources & Parks

Jennifer Belcher, Chair
Karla Wilson, Vice Chair
John Beck
Bill Brumsickle
Dennis Dellwo
Roy A. Ferguson
Steve Fuhrman
Jim Hargrove
Holly Myers
George L. Raiter
Doug Sayan

House Revenue

Art Wang, Chair
Wes Pruitt, Vice Chair
Marlin Appelwick
Bob Basich
Bill Brumsickle
Karen Fraser
Steve Fuhrman
Bill Grant
Mary Margaret Haugen
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Betty Sue Morris
Larry Phillips
Nancy Rust
Jean Silver
Helen Sommers
Steve Van Luven

Senate Governmental Operations

Bob McCaslin, Chair
Leo K. Thorsness, Vice Chair
Arlie U. DeJarnatt
Michael E. Patrick
Dean Sutherland

see Senate Environment & Natural Resources

see Senate Ways & Means

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Jean Marie Brough
Grace Cole
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Louise Miller
Eugene A. Prince
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Senate Rules

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R. Lorraine Wojahn

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Jean Silver

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Dick Schoon
Randy Tate
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Dan McDonald
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Shirley Hankins
Mary Margaret Haugen
Mike Heavey
Evan Jones
Pete Kremen
Dick Nelson
Margarita Prentice
Eugene A. Prince
Karen Schmidt
Curt Smith
Duane Sommers
Mike Todd
Sally Walker
Sim Wilson
Jeannette Wood
Paul Zellinsky

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Jeannette Hayner
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Eleanor Lee
Jim Matson
Ray Moore
Irv Newhouse
Janice Niemi
Brad Owen
Gerald L. "Jerry" Saling
Linda A. Smith
Phil Talmadge
Frank J. Warnke
Al Williams
R. Lorraine Wojahn

* Deceased 2/28/90